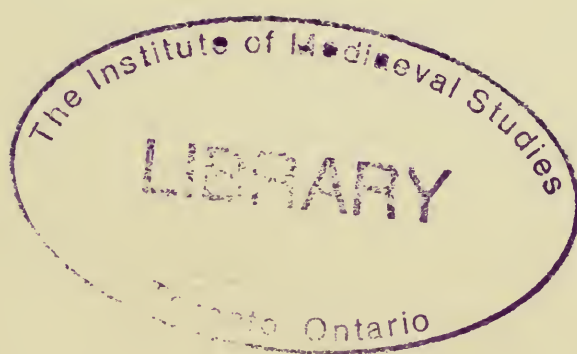


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VOLUME IV.

FOR THE YEAR 1890

Selden Society

FOUNDED 1887

TO ENCOURAGE THE STUDY AND ADVANCE THE KNOWLEDGE
OF THE HISTORY OF ENGLISH LAW.

—....—

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The Court Baron

TOGETHER WITH

SELECT PLEAS FROM THE BISHOP OF ELY'S
COURT OF LITTLEPORT

PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
LONDON

Selden Society

THE COURT BARON

BEING PRECEDENTS FOR USE IN SEIGNORIAL
AND OTHER LOCAL COURTS

TOGETHER WITH

Select Pleas from the Bishop of Ely's Court of Littleport

EDITED

FOR THE SELDEN SOCIETY

BY

FREDERIC WILLIAM MAITLAND

AND

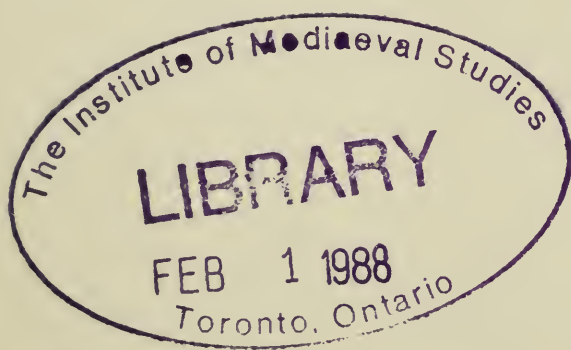
WILLIAM PALEY BAILDON

LONDON

BERNARD QUARITCH, 15 PICCADILLY

1891

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PREFACE.

THE miscellaneous character of this volume may require some explanation. Mr. Paley Baildon and I were charged by the Council of the Society with the task of continuing the work begun in the volume published in 1889, by printing some more extracts from the rolls of manorial courts, and one of those books of precedents that are included in this volume. But from one of these books I was led on to another, and so to a third, and to a fourth; for, having once opened this new vein of materials, one could not easily stop working it until it had been somewhat fully explored. Meanwhile Mr. Baildon had been making extracts from the ancient and important rolls of Letcombe Regis, a manor on the royal demesne. Until a late moment I hoped that there would be room for his work as well as for mine; but the precedents proved more bulky than I had expected, and in the end it was discovered that this volume would be full before Letcombe Regis was reached. I hope that the fruit of Mr. Baildon's labours will be given to the world in some later, and not much later, volume of our series. I hope, also, that when members of the Society have looked at the books of precedents, they will allow that, if I have erred in printing them upon the present occasion, the temptation to which I was exposed was one not easily to be resisted.

For the inclusion of extracts from the rolls of Littleport I need offer no apology. Those rolls were placed at my

service by the kindness of Mr. O. C. Pell. That the Society will be grateful to him for this act of generosity I make no doubt. Rolls that are in the Record Office can be found when they are wanted ; the opportunity of using rolls that are in private hands is not one that will occur every year.

One of the French tracts here printed contains some words and passages that are not easily translated. This, I think, is due not altogether to any carelessness of mine, but in part, at all events, to the carelessness of a mediæval scribe. In the translation of some of these phrases I have had invaluable help from M. Paul Meyer, Dr. A. J. Murray, Dr. W. W. Skeat, and Mr. York Powell, while Mr. J. E. Harting has given me some much needed information about the names of birds and beasts. I hardly like to mention the names of illustrious philologists in the preface of such a book as this, for, after all that they have done to keep me out of blunders, I fear that I, having but such knowledge of Anglo-French as a lawyer may pick up in reading the Year Books, have been guilty of many mistakes. Mr. Baildon's name appears along with mine upon the title page, and this is but right, as he has assisted me in many different ways ; but, as has been already explained, the matter that he was to have contributed has been crowded out, and I must answer for all the faults of this book. To Mr. Dove, the Honorary Secretary of the Society, my thanks are due for his courtesy.

F. W. M.

DOWNING COLLEGE, CAMBRIDGE : *May* 31, 1891.

CONTENTS.



	PAGE
PREFACE	vii
INTRODUCTORY NOTE TO PRECEDENTS IN COURT KEEPING . . .	3
LA COURT DE BARON	20
DE PLACITIS ET CURIIS TENENDIS	68
MODUS TENENDI CURIAS (JOHN OF LONGUEVILLE)	79
MODUS TENENDI CURIAS (S. ALBANS' FORMULARY)	93
INTRODUCTORY NOTE TO THE LITTLEPORT ROLLS	107
PLEAS IN THE COURT OF THE BISHOP OF ELY AT LITTLEPORT, A.D. 1285-1327	119
LIST OF OBSCURE WORDS	150
INDEX OF MATTERS	151
INDEX OF PERSONS	153

CURIA BARONIS.

THE COURT BARON.

I. II. III. IV. PRECEDENTS IN COURT KEEPING.

INTRODUCTORY NOTE.

BESIDES the entries on real court rolls, there is another source whence we may obtain some knowledge of the manner in which the local courts of the middle ages conducted their business. Already in the thirteenth century a want was felt for formularies, for model court rolls, for little treatises in which stewards, clerks, and pleaders might learn their duties, and extant manuscripts testify that divers persons set themselves to supply this want. The formularies and tracts thus produced must be distinguished from, though in the manuscripts they are often closely connected with, another set of formularies and tracts, namely those which deal with the economic rather than with the jurisdictional aspects of manorial affairs, tracts setting forth the duties of bailiffs and reeves, and precedents for manorial accounts. Of these latter some little has long been known through the medium of Fleta, and now at last Miss Lamond has published Walter of Henley's 'Husbandry' and several similar economic hand-books.

Here we are to say something of the tracts and formularies which have for their subject-matter the local courts, which would teach stewards how to preside, clerks how to enrol, pleaders how to count and defend; and us also they may teach some things that we should hardly learn from real court rolls, just as the student of modern English land law is likely to learn much from a good book of conveyancing precedents that he would hardly, if ever, discover in any chance assortment of real instruments.

Now in the first half of the sixteenth century several little treatises on court keeping found their way into print. Among such books are the following, with the class marks which they bear at the British Museum:—

1. *Modus tenendi curiam baronis cum visu frane' plegii.* . .
Emprynted at London in Flete Strete at y^e signe of the sonne
By me Wynkyn de Worde, no date [1510?]. C. 40. d. 55.

2. *Modus tenendi curiam baronis cum visu frane' plegii.* R.
Pynson, no date [1516?]. C. 40. c. 8.

3. *Modus tenendi curiam baronis cum visu franem* [sic] *plegii*, R. Pynson, no date [1520?]. C. 40. c. 9.

4. *Modus tenendi curiam baronis cum visu franci plegii*, J. Rastell, no date [1530?]. 1127. a. 51.

5. *Natura brevium* (et inter alia) *Modus tenendi curiam baronis cum visu franci plegii*, W. Rastell, London, [1534?]. 507. a. 18.

6. *Modus tenendi unum hundredum siue curiam de recordo*, R. Redman, London, 1539. 6281. aa. 26.

7. *The maner of keypyng a courte baron and a lete*, Elisabeth Pykeryng, London [1542?]. 6005. a.

8. *The boke for a justic of peace* (et inter alia) *The boke that teacheth to kepe a court baron*. The book teaching to keep a court hundred. . . . T. Berthelet, London, 1544. 516. a. 2.

9. *The maner of keypyng a court baron and a lete*, W. Mid-dilton, London, 1544. 1379. a. 2.

10. *The manner of keypyng a court baron and a lete*, R. Toye, London, 1546. 516. a. 4.

Clearly there was a considerable demand for such manuals, and the publishers of the day seem to have met it by mercilessly borrowing, if that be the right phrase, from each other. The proper thing to do was to reprint your rival's book, adding something to it which would make it yet more attractive to buyers. Now even on the face of these works one can sometimes see that use has been made of materials that were not very new; thus the proceedings of a court held in the reign of Edward IV. are held up as models for the practitioners of Henry VIII.'s reign; still, of course, these manuals of the Tudor time cannot be received as unimpeachable witnesses when the question is as to the practice of earlier ages. When we go behind them to the manuscripts, a difficult problem awaits us. To fix the date of a manuscript collection of legal precedents is an impossible feat, unless by the date of the collection we merely mean the date of the manuscript that happens to lie before us; for it can seldom have happened that any lawyer set himself to devise an entirely new set of forms, while on the other hand it can seldom have happened that any lawyer set himself or his clerk to copy an ancient collection with rigorous fidelity. A sound and useful precedent should be a well-tried form; the editor of a modern collection would not recommend it to his professional brethren by saying that he had learnt nothing from his predecessors. On the other hand, changes in the law, changes in social and economic

habits, constantly require that the old precedents shall be revised, and so long as the literature of precedents is in manuscript the process of revision takes place, not in the definite stages of new editions, but in countless small variations between individual codices ; in short, such a literature is not made but grows. On the present occasion our object will be to show what it was like at an early stage of its growth, when as yet it was literature of a novel kind.

For this purpose I have selected four tracts which seemed to be among the most ancient and the most worthy of being put into print. As to the proof of their antiquity, one general remark may be made. Sometimes we can say no more than that they appear in MSS. which a judge of handwriting would probably assign to such or such a date ; in this case we fix but one of two limits, and that too with no great accuracy. We may say, for example, that the precedents in question are at least as old as Edward II.'s reign. But not unfrequently the precedents themselves make mention of dates ; they suppose that the court whose proceedings they affect to describe was holden in, let us say, the thirtieth year of Edward I. Now this tends to prove, though it does not prove, two things : namely, first, that the precedents were devised or revised in or a little later than the year so mentioned, and secondly that they have not undergone a thorough revision since that date. We cannot very easily believe that a deviser of precedents has deliberately, or even negligently, antedated them, nor can we very easily believe that a copyist or his employer has done much towards renovating a set of precedents in which an ancient date has been left standing. No doubt there is danger in such inferences : some men are capricious, many men are careless ; still, if used with caution, the test here suggested may be of some service ; at any rate it is often the only test that can be used.

(I.)

The first piece to be here printed claims precedence over its fellows, not so much on account of its antiquity—for its date has not been precisely fixed—as because it seems the most elaborate and careful work of its kind. It makes indeed some claim to literary and scientific merit. It is a set of precedents for use in a seignorial court. It does not concern itself with the view of frankpledge or the business of a ‘leet.’ Throughout it is written in French; it aims at instructing the steward of the court rather than the clerk, and therefore does not contain precedents for enrolments, which would be in Latin. Being in French we may, with some warrant from the MSS., call it *La Court de Baron*, or more at length, *Les Encoupemenz en Court de Baron*—the *encoupement* (*inculpamentum*) is the plaintiff’s count or declaration—but it also appears under the Latin names *Curia Baronis* and *Curia Baronum*. It has been discovered in seven MSS., a fact which testifies to its popularity, to wit, the following :—

A=Camb. Univ. Library, Ll. iv. 17, f. 135 b.

C=Brit. Mus. Harleian, 748, f. 180 b.

E=Brit. Mus. Egerton, 656, f. 177 b.

N=Brit. Mus. Add. 5762, f. 102.

O=Brit. Mus. Lansd. 467, f. 134.

S=Brit. Mus. Harleian, 409, f. 59.

X=Camb. Univ. Library, Mm. i. 27, f. 137 b.

The first six of these MSS. would, I believe, prove that the book in question was current in the early years of the fourteenth century. The seventh MS., here called X, enables us (as I think) to say that at least one version of the book, or one part of the book, was known to and copied by a man who was already copying documents in the year 1265. This Cambridge MS. is a very important and curious book, consisting of legal treatises and statutes, written for the most part, so it would seem, by one man, though probably at several different times. It contains a *Registrum Brevium* apparently of Edward I.’s day; then a great curiosity, namely what we may call a revised, expanded, and modernised edition of Glanvill’s treatise; then, after some few legal notes, the correspondence which took place between Henry III. and Simon de Montfort before the battle of Lewes; then a short account of the battles of Lewes and Evesham, and

then (f. 67 b) a statement to the following effect:—‘ In the 49th year of King Henry son of King John and the year of our Lord 1265 at Whitsuntide the following page was written in the chapel of S. Edward at Westminster and extracted from the chronicles in a small roll by the hand of Robert Carpenter of Hareslade, and he wrote this.’ The date is then given by reference to many different eras, ranging from that of the creation of the world to that of King Henry’s last voyage into Gascony. In a later part of the book we find (f. 137 b) a copy of the treatise now in question, and this certainly seems to me to have been written by the same hand that wrote the note which has just been quoted, that is to say, by the hand of Robert Carpenter. It further seems from the statutes that he has copied that he must have lived through a considerable part of Edward I.’s reign: though, as we have just seen, he was writing in this book as early as 1265. It also contains (f. 78) a collection of precedents not unlike, though apparently unconnected with, that of John of Oxford, which will be mentioned by and by; and from the dates which occur in this, one would infer that it was compiled in or about 1268. Also it contains (f. 122) a set of precedents for criminal proceedings before justices in eyre which suppose a crime to have been committed in the 9th year of Edward I. (1280–1), and on several occasions cites the opinions of Roger Thurkelby, a judge of Henry III.’s reign. Of Carpenter himself I have discovered nothing, but from many passages in his book he would seem to have been connected with the Isle of Wight or the neighbourhood of Southampton and Portsmouth.

This MS. therefore would enable us with some certainty to ascribe to the thirteenth century this treatise, or rather one version of this treatise, while the other MSS. prove beyond doubt that it had become popular within a short time after that period. But it remains to be said that the MSS. disagree very widely as to how much the treatise should contain. Adding together all the precedents that we can find in all the MSS. taken together, we have 62 precedents, but no one MS. gives us as much as this. Taking the longest version that we have (that given by S), we see that it easily falls into three parts. In the first part the steward is hearing civil causes, the plaintiff being either some private person or one of the lord’s officers. The second part is introduced by a new preamble, and shows how a steward should behave when he has no plaintiff before him but must of his own motion enforce the lord’s jurisdictional rights, and inflict the due tale of amercements. It is closely connected with the first part.

The same fictitious persons appear in both. Thus in the first part Henry Combe brings an action for assault against Stephen Carpenter, and they receive 'a love-day,' that is to say, time is given to them until the next session of the court to see whether they can come to terms. Then, in the second part, the case is 'called on,' and the steward asks which of them is to pay the amercement, for an amercement of course there must be. So if in the first part a man has to wage his law, the same man will appear in the second part and will make or fail to make his law; in the latter case the steward gets an amercement from him, in the former from his adversary. The third part, found hitherto in but one MS., namely S, deals with far less common things; it supposes the lord to be enjoying franchises which enable his court to hear some of the pleas of the crown, and a sentence of death is passed.

Now Part I. is given more or less completely by all our MSS., viz. A, C, E, N, O, S, X. Part II. is given more or less completely by four MSS., viz. A, C, E, S. Part III. is given by but one MS., viz. S.

Against a claim on behalf of Part III. to be part of the original work we have several facts. As already said, it has been found in but one MS., and as already said, it deals with cases which were beyond the competence of the usual feudal courts. To this must be added that it is intimately connected with another book, namely a treatise in French setting forth how pleas of the crown are treated by the king's justices in eyre. This latter treatise is found in the MS. that we have called X (f. 122), under the title *Si comence la corone pletee devant justices*, and it contains a reference to the 9th year of Edward I. (1280-1). There has been selection and adaptation, for a lord's steward can never do all that might be done by a royal justice; still the precedents in Part III. are substantially the same as some of the precedents found in the manual for the eyre. For these reasons we may, until other evidence is produced, believe that this part was added to the original work by some one who had in his eye some seignorial court which was endowed with some of the less common 'liberties,' in particular the liberty of infangthief.

Whether Part II. be as old as Part I. is a question about which evidence at present fails us. It is found more or less completely in four out of seven MSS.; it is not found in the MS. (X) which seems to be the oldest. Still, as already said, it is closely connected with Part I., and if it be a continuation annexed by a later hand the work has been cleverly done. On

the whole, in this instance, there seems more reason to suspect omission than addition. A lawyer, who was having the work copied for him, might imagine that the light of natural reason would sufficiently guide him in doing all that the steward is supposed to do in Part II., though he might well want the elaborate precedents for pleadings that are given in Part I.

But the substantial differences between the MSS. do not end here. Fixing our attention for a while on Part I., we see that, as here printed, it contains 25 precedents. Now four of these (pl. 6, 7, 8, 9) are contained only in S and X; while, on the other hand, three of them (pl. 17, 18, 19) are not contained in S or X. Thus the MSS. in this respect fall into two groups, the one consisting of A, C, E, N, O,¹ the other of S, X. There are some indications that the version given by these two last-mentioned MSS. is an old one; X we have seen to be an old MS.; S stands alone in giving, in some though not all cases, Latin headings to French precedents, which may be regarded as a sign of antiquity; both agree in often making a defendant 'defend,' that is, deny, 'tort and unreason' (*tort e non resoun*), instead of using the phrase that became common, namely, 'tort and force;' this also may be a sign of antiquity. But then S and X are not in all respects very closely related, for they present their precedents in a different order; indeed in this matter S stands apart from all the other MSS. It seems possible that originally the first part of the book contained all the 25 precedents that are here printed. The four cases given by S and X (pl. 6, 7, 8, 9), but not found elsewhere, might well have been omitted by a reviser, for they are all cases of violent trespass, and one such case (pl. 5) had already been given, and might well seem a sufficient guide. No similar reason can be adduced for the omission of the three cases (pl. 17, 18, 19) which are not found in S or X; still there seems to be no sufficient cause for rejecting them or describing them as interpolations.²

We give Part II. as consisting of 33 precedents or sections (pl. 26-58). This number however is obtained by fusing together two substantially different versions. The one is given by A, C, E, and contains the first 19 of these precedents (pl. 26-44), though C goes no farther than the end of pl. 35. The version found in S differs from this by giving both less and more, and by intro-

¹ O goes no further than half-way through pl. 22. There seems no reason whatever for supposing that the original work stopped here.

² In S the order of the *placita* is 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 22, 23, 5, 6, 7, 24, 25, 9, 20, 21.

ducing the sections in another order. It does not contain pl. 38, 39, 40, 41, 42, 43 ; on the other hand it contains what we here print as pl. 47-58 inclusive, and these are not found in the other MSS., though pl. 54 is much the same as pl. 44. The order in which it gives this matter is the following, pl. 45 (very like pl. 27), 46 (very like pl. 28), 47, 48, 49, 50, 51, 52, 53, 54 (very like 44), 26, 55, 56, 30, 31, 32, 33, 34, 35, 29, 36, 37, 58. Which of these two versions is the older it were difficult to say ; they are found in MSS. which, so far as I can judge, are very nearly of even date. That given by S is rather the more elaborate of the two, but from this fact different judges might draw different inferences.

On the whole, therefore, the confession must be made that I have made no pedigree of the MSS. ; very many links seem to be wanting ; A, C, and E seem to be closely connected, more especially C and E ; I think that N and O are connected ; S and X stand apart from the rest and are not very near to each other. What I have done is this—I have taken my text from A ; what was not in A, I have taken partly from X, partly from S. To come to particulars :—

Part I. (pl. 1-25). The text is from A, save that of pl. 6, 7, 8, 9, which (being only found in S and X) is taken from X.

Part II. (pl. 26-58). The text of pl. 26-44 is from A, that of pl. 45-58 is from S (being only found in that MS.).

Part III. (pl. 59-62). The text is from S (being only found in that MS.).

The text of the chosen MS. is, it is hoped, reproduced here quite faithfully, the letters which in the original are represented by ‘ compendia ’ being here distinguished by italic type. A few very obvious blunders by way of omission or repetition of words have been corrected, but of this full notice is given in a footnote. Then to some extent the other MSS. have been collated (of O I have made but little use), but only for the purpose of obtaining substantially different readings ; to have noted all the literal variations would have been in effect to print the whole treatise many times over. The number of ways in which one might legitimately spell many a common word such as *seigneur* was practically infinite. Nor are all verbal variations noted : for example, one MS. will make the plaintiff’s count end with *Si conoistre &c.*, another will get as far as *Si conoistre le veut &c.*, another will get as far as *Si conoistre le veut beu li est &c.*, while a fourth will not stop short of *sute bone e suffisant*. The whole formula having once been given in full, as it is in the

first precedent, there seemed no need to remark how much of it is written out by each copyist in subsequent precedents.

I may here mention that this tract is similar in form to another tract written in French which certainly ought to be in print. Under some such title as *Brevia Placitata* it appears in several of our legal MSS. (e.g. Harl. 748, Harl. 409, Camb. Univ. Ee. i. 1). It consists of precedents for pleadings in the king's court, each precedent consisting of a writ, a count, and a plea. It is often introduced by a preamble which is closely similar to the preamble which in some MSS. serves to introduce the present tract. Thus in Harl. 409, f. 97, 'Ces sunt les brefs les encoupeemens e les defenses e les delaies e les excepcions e les kors e les jugemens donez solum ley de terre; . . . si put hom aprendre coment entrer pur conte conter devaunt justices au banc ou en eyre ou en conte ou en curt de baron.' This is strikingly like the preamble which will be found at the head of the book that is here printed, and it seems to hold out a promise, which remains unfulfilled, that the treatise will deal with the inferior as well as with the superior courts. Perhaps the two treatises are really two parts of one work. At any rate this *Brevia Placitata* deserves the attention of the Selden Society. In several MSS. the first writ is supposed to be issued by a king of the name of Henry, and all other Henries being quite out of the question, he must be Henry III. Even though no MS. be discovered that is so old as 1272, still we have here some evidence that the book was composed before that date (in Harl. 409, the first writ is dated in the 54th year of King Henry, i.e. 1269-70), and in that case we may have in it our earliest French law book, a book some twenty years older than Britton. Such a book should not remain unprinted.

(II.)

The second of our four tracts may with some probability be ascribed to a certain Brother John of Oxford, a monk in the Priory of Luffield; it appears to have been composed in the very last years of Henry III. or early in the next reign. It is found in a MS. Camb. Univ. Libr. Ee. i. 1, f. 233. This book, which once belonged to the monks of Luffield, has passed through the libraries of Sir Robert Cotton, Francis Tate, and Bishop Moore, and was given to the University of Cambridge by George I. It contains many legal treatises and statutes: a French version

of the so-called Laws of Edward the Confessor, which has not, I think, been printed; a Glanvill, a Bracton, a Hengham, a Registrum Brevium, and an early specimen of Brevia Placitata, or precedents for pleadings in the King's Court. These were written by various hands at various times. But there is in this book one section which concerns us. This (f. 225) consists of (1) a collection of Precedents for Conveyances, Leases, Bonds, Wills etc.; also for documents in use in ecclesiastical affairs, Letters of Citation, Excommunication, Absolution, Presentation etc.; (2) a set of Precedents for Manorial Accounts; (3) the treatise here printed; (4) a letter by which a request is made for a gift of timber, followed by the remark that 'the date of our Lord King Edward changes on the day of S. Edmund in November, while the date of grace changes on the Annunciation of the Blessed Mary.' Edward I. began his reign on S. Edmund's Day.

Now the first of these four pieces, the collection of precedents for documents, ends with words which tell how it was composed by John of Oxford. Of this work I have spoken elsewhere.¹ Certainly its author was familiar with Oxford; many of his precedents are real or hypothetical dealings with land in that city or its neighbourhood; he mentions the High Street (*magna strata*), the churches of S. Mary and of All Saints, and the 'Aqua que vocatur Charewelle;' and among his precedents is one well suited to the needs of an undergraduate, for it is a letter by a son who is studying at Oxford to his father, asking for money—'Ne pro tali defectu scolae relinquere, tempus amittere, domumque redire compellar.' Were we to explore this book, we might find ourselves guessing that instruction in conveyancing was given in Oxford. Some acquaintance with this art must have been very useful in a great monastery, and we may learn from Brother John's work, as well as from many other quarters, that in his day the drawing of an ordinary mercantile bond demanded some knowledge of Canon, if not of Roman, law. But though our author's head was full of Oxford when he composed his book, it seems clear that he became a monk in the Priory of Luffield, which stood on the border between the counties of Buckingham and Northampton, some twenty miles away from the learned city. This appears from a form of procuration which supposes that Adam, Prior of Luffield, and his Convent, on Tuesday after the feast of S. Lucy in the year 1273, appointed their fellow-monk, Brother John of Oxford, to

¹ *Law Quarterly Review*, Jan. 1891.

be their proctor in certain proceedings before the Bishop of Lincoln. The date of this instrument, real or hypothetical, may cause us some little difficulty, for according to one story the only Prior of the name of Adam who can be in question was one who presided over the monastery from 1279 to 1287.¹ Also we must believe that the treatise in its present form cannot be older than 1280, for it contains a document by which Prior Adam and his Convent pray Oliver, Bishop of Lincoln—this must be Oliver Sutton, who was consecrated in 1280—to admit one Walter of Murseley to priest's orders. Still most of the instruments that bear dates are supposed to be executed in or shortly before the year 1274, and from this we may infer that the main part of the book was compiled in or shortly after that year. Passing to the precedents for manorial accounts, we find that they also are dated in 1274, and then passing to the tract on court keeping which is to be here printed, we find that the imaginary courts were holden in the fifty-fourth year of Henry III. or the year of grace 1269. Thus, so far as their dates are concerned, these three pieces seem to hold together, and between Brother John's precedents in conveyancing and the precedents for court rolls there is this further connexion: both, when the name of a water-course is required, choose the Cherwell, a stream better known at Oxford than at Luffield. There seems, then, some ground for the belief that Brother John was the author, or the adapter, or editor—for, as already said, the formation of a book of precedents can seldom show any high degree of originality—as well of the 'Court Keepers' Guide' as of the 'Manual for Draftsmen;' but, be this as it may, we can with some certainty attribute the former to the year 1269, or some slightly later date. It is not to be supposed, however, that what we possess is John of Oxford's autograph; there are so many blunders in the text, some of an unusual character, that it would seem to have been transcribed by some one who was not expert in the terms of the law. His hand is not a lawyer's hand, but a monastic book hand.

(III.)

Our third tract may be ascribed to the year 1307, or a slightly later date. It is found in a MS. Camb. Univ. Libr. Dd. vii. 6. f. 57, a magnificent folio book containing a Bracton, a Britton, and other legal treatises and statutes, which seem to have been

¹ *Monast.* iv. 346.

written during the last years of Edward I. and the first of Edward II. by various hands of the legal type.¹ Many of its pages are richly glossed by a hand which also wrote portions of the text, and Mr. Nichols, who made great use of it when making his edition of Britton, has shown reason for the belief that it was made for, and glossed by, one Sir John of Longueville, a lawyer who lived under the first two Edwards, who represented the borough of Northampton in Parliament, and who at least on one occasion acted as a justice of assize. Mr. Nichols also thinks that the MS. was at one time in the hands of our patron John Selden, and that allusion is made to it in the ever-famous dissertation suffixed to 'Fleta.'²

The section of the book which interests us begins (f. 55) with a statement that may be thus Englished:—'In this quire are contained charters, covenants, chirographs, obligations, testaments; then follows the mode of pleading in the court of a baron, knight, or freeholder; then how we ought to inbreviate and inrol pleas, attachments, complaints, essoins, appearances, amercements, wagers of law, love-days, concords, complaints in the county, counts, defamations, trespasses, answers, appeals in the county, appeals before the justices, of rape, of manslaughter, of flights to sanctuary, captions of laymen and clerks and their deliverances in the county, the duty of [sheriffs]³ and their duty in the hundreds and the like, the duty of coroners. Also there is contained the manner of inbreviating and ordaining the duty of the reeve and the steward. Then follows the inventory of a manor and the method of accounting. Then follows the view of frankpledge, the assize of bread and beer, and the bakers' gain.'

This lengthy title finished, there appears a collection of precedents in conveyancing, in which mention is made of the thirty-fifth (and last) year of Edward I., of the first of Edward II., and of the year of grace 1307. In it the effect of the statute *Quia emptores* is duly noticed, and is spoken of as having been accomplished 'per ordinationes novissimas apud Westmonasterium factas.' The precedents end (f. 57) with a testament, and upon this follows without any break the matter here printed. It will be seen that the court is supposed to be holden in the thirty-fifth year of Edward I. (20 Nov. 1306–7 July, 1307).

¹ In the printed catalogue this MS. is by some strange mistake ascribed to Henry VI.'s reign; but in support of what is said above I can refer not only to the testimony of Mr. Nichols, but also to that of

Mr. Henry Bradshaw, who in his own copy of the catalogue has corrected the error.

² Nichols, *Britton*, i. pp. xlix. lxi.

³ Some word is missing in the original.

Then, without any break, we have the *Officium Coronatoris*, and then precedents for manorial accounts, supposed to be those of a manor of N[icholas] Segrave, for the year beginning at Michaelmas in 35 Edward I. The other matters mentioned in that introductory statement of which a translation has just been given, then follow, including two sets of articles for the view of frankpledge, one in French, the other in Latin, in addition to the set included in the tract on court keeping. Thus the year 1307 is the date to which we should most naturally assign that tract in the form in which it will here be published.

(IV.)

Our fourth tract is, at least in the form which it here assumes, of later date than the other three. It is found in a MS. Camb. Univ. Libr. Ee. iv. 20, a formulary containing precedents of many various kinds, civil and ecclesiastical, compiled for the use of the Abbey of S. Albans. It professes to relate what happened in certain imaginary courts held in the fourteenth and sixteenth years of Edward III., and in close contact with it we find manorial accounts which are supposed to relate to the thirteenth year of the same king. We may guess, then, that the precedents for courts which are here printed were devised or revised in 1342 or thereabouts, though the MS. from which we take them is not of so ancient a date. They are partly in Latin, partly in French; the matter which is to be enrolled is in Latin, the matter which is merely to be spoken is in French. In spite of the help kindly given me by some very learned scholars, I am obliged to leave a few of the French words untranslated, and to hope that if, as seems likely, there has been bad copying, it is due to the monk of S. Albans.

And now a word of some other tracts which will not be here printed. Closely connected in some way or another with the second and third of our four, is another little piece which bears the title *Officium Justiciariorum*. It is found, for example, in the Cambridge MS. Dd. vii. 14, f. 229, a MS. which has some of the precious Year Books of Edward I. It begins thus:—‘*Hic incipit summa que vocatur Officium Justiciariorum. Hic tractatur de composicionibus licium in foro laicali secularium.*’ After explaining that, though this may seem strange, it will be best to begin with the humbler courts and end with the more dignified, it gives proceedings which are supposed to

take place in the court of some earl, baron, or knight in the year 1280. It then passes to a hundred court, thence to a county court (supposed to be that of Worcestershire), and thence to the court of the justices in eyre. It ends with these words: 'In ista summa continetur modus curias tenendi et inbreviandi et modus tenendi hundredum et modus tenendi comitatum et officium coronatoris et officium justiciariorum tam corone quam terre et capitula spectancia regie corone. Explicit Officium Justiciariorum.' In form it is somewhat like the third of our four tracts, but some of the pleadings in it are found in the second of the four.

Another piece of the same character is given by a MS. Brit. Mus. Lansd. 467, f. 141. This supposes a court held in 19 Edward I. (1280-1). It can hardly be called the same thing as any other of the pieces yet mentioned, though it resembles them closely. It seems evident that before the thirteenth century was out there was a stock of 'common forms' current among lawyers, and that many different persons made it their own by such modifications as suited their offices and their tastes.

There is another treatise similar in some respects to the first of our four, and this also can be found in MSS. of the early part of the fourteenth century, e.g. Brit. Mus. Egerton, 656, f. 188 b. It begins thus:—'Cheskun manere de trespas si pust estre plette en deus maneres, ou par bref, ou par pleynte sanz bref.' It is chiefly concerned with cases of trespass and debt in seignorial courts. As it tells us little that could not be learnt from the tract that we are calling 'La Court de Baron,' it will not be here printed, but a few remarks which occur in it may be of some interest. In the first place it denies that there can be wager of law in an action of trespass. In such an action a defendant is supposed to offer his law; the plaintiff objects, for this is a high trespass against the peace, and in it there lies 'averment of the country,' and not defence by his law. Then follows a note to the effect that in the court of a baron if one be charged with blood or wound, or the taking of chattels, and he offers his law, judgment will go against him if his opponent desires it, for there should be an 'averment of the country.' This doctrine shows the advance that trial by jury (for of course it is to this that an 'averment of the country' would lead) was making even in the seignorial courts. As a matter of fact, defendants charged with trespasses occasionally waged their law in comparatively recent times, but perhaps the plaintiffs allowed them to do this, for it seems probable that a man who waged his law ran a very con-

siderable risk of not being able to make it. This is brought out by a description of the process which is given by the treatise that I am describing. The wager takes this form :—‘ he shall wage his law with his twisted glove (*de sun gaunt plyee*) and shall deliver it into the hand of the other, and then take his glove back and find pledges for his law.’ The point of this ceremony with the glove seems to be that the defendant having to give security for the performance of his promise, namely that he will purge himself with compurgators, would in very old times have had at once to deposit some chattel of value in his adversary’s hand; this is represented by the glove, though why it should be twisted I cannot say. But the contract with pledges (i.e. sureties) having now supplanted the contract with the *radium*, *wed*, or gage, the gaged glove is given back to the promiser so soon as he has found what is really to be the security for the fulfilment of his promise; in short, the dealing with the glove is now but a ceremony because the defendant has pledges, sureties, ready to hand. All this is very noticeable, for learned writers have suspected that the promise to fulfil the judgment of a court of law, a promise secured by the delivery of a *wed* or gage, is one of the oldest, if not the very oldest, of all enforceable contracts. But, to go on to the making of the law: this treatise tells us that each compurgator swears separately, and his oath takes a most absolute form; he does not merely say that he believes his principal’s oath; he says, as of old, ‘The oath that S. hath sworn is true, so help me God and the saints.’ Now a decently honest man would, one might think, shrink from such an oath unless he knew something of the facts. But this is not all, for clearly any slip in a somewhat elaborate ceremony might be fatal to the defendant’s cause. In many ways, we are told, can one fail in one’s law, as thus, if the principal withdraws his hand from the book while he is making the oath, or fails to kiss the book, or does not say the words in full as they are charged against him, or if he has not the due number of compurgators, or if any of them makes a default. We can well understand a man preferring to put himself upon the oath of his neighbours for good and ill rather than to trust that twelve of his neighbours would be able, to say nothing of being willing, to utter the requisite formula without a slip. Finally, there are MSS. and printed books in which one finds these verses :

Qui legem vadiat, nisi lex in tempore fiat,
Mox condemnetur, taxatio non sibi detur.

Of their merits as poetry nothing need be said, but their meaning seems this: if a defendant wages, but fails to make his law, he has to pay whatever damages the plaintiff has thought fit to demand; a 'taxation' of the damages by a jury will not be granted him. Altogether, therefore, waging one's law seems to have been risky work.

One object of this Introductory Note will have been attained if readers of it are convinced that there are still many monuments of the legal industry and learning of the thirteenth century (in particular, precedents in conveyancing) which are not, but ought to be, printed.

LA COURT DE BARON

THE COURT BARON

I. INCIPIT CURIA BARONUM.¹

² Si ³ put hom trouer tut sufisaument e ⁴ tut planement tut ⁵ le cours de court de baroun ⁶ e les attachemenz e les destresces e les quereles ⁷ e les curz tenus ⁸ e les essoignes e les profres e les encoupemenz e les defenses e les delayes e les jours de amour e le office du seneschal coment il deit parler la ou il tent les curz.⁹ E si put un junes hom aprendre ¹⁰ coment il parlera e vere la manere ¹¹ destoigtement.¹²

Encupement de huteys leue.¹³

- [1] Sire Seneschal ¹⁴ le baillif Robert par noun que ci est se pleynt de Richard ¹⁵ le Draper qe la est qe la ou il vent en la pees deu e en la pees le seignur e en la vostre qe auez la pees agarder e mayntenir tel hour a hour de cucher ¹⁶ le jour de saint Johan ¹⁷ cest an que fut, la vent Richard le Draper e leua une huteys en sa meson demeyne pur unes vilaines paroles que surdirent entre William ¹⁸ le Lunge ¹⁹ son veisyn et ly pur une dette que Willam ly deuoit noun pas rendu le iour entre eus assis, pur le qele huteys leue e ne mie adrait pursuy le seignur ad perde e damage a la mountaunce de xx. s. e huntage de demi marc. Si conustre le voit, beu li est, sil dedit, atort le dedit, kar nous en aums sute bone e suffisant.

¹ Incipit summa curie baronum C. Ici comencent les encoupemenz e les defenses de cours de baron N. No title O. Ici comence cort de baron e la sen[eschausie] S. Incipit curia baronis X.

² Om. following paragraph X. ³ Ci C. Ici N. ⁴ Om. e A. ⁵⁻⁶ les curz de barons A C. ⁷⁻⁸ Om. E. ⁹ la court E. ¹⁰⁻¹¹ Om. E. ¹² distinctement CENO. ¹³ Add pur vileine paroles X. ¹⁴ Ins. ce vous mustre E.

¹⁵ Willame EX. ¹⁶⁻¹⁷ Om. CENX. ¹⁸ Walter S. ¹⁹ Willame de Waltone N.

THE COURT BARON.

I. HERE BEGINNETH THE COURT BARON.

HERE may one find all sufficiently and all fully the whole course of a court baron and the attachments and the distresses and the plaints and the proceedings and the essoins and the proffers and the accusations and the defences and the delays and the days of love^a and the office of the steward how he shall speak when he holdeth the courts. And herewithal may a young man learn how he shall speak and see the manner distinctly.

Charge of hue levied.

- [1] Sir steward, the sworn^b bailiff, Robert by name, who is here, complaineth of Richard Draper, who is there, that as he went in the peace of God and in the peace of the lord and in thine, who art charged to guard and maintain the peace, at such an hour, at the hour of bed-time, on the day of St. John this year that was, there came Richard Draper and raised a hue in his house for certain villain words which arose between him and William Long his neighbour about a debt, which William owed him and which was not paid on the day fixed between them, by reason of which hue levied but not rightly prosecuted the lord has loss and damage to the amount of 20s. and shame to the amount of a half-mark. If confess he will, well and good; if he denieth, wrongfully he denieth, for we have suit good and sufficient.

^a A love-day, *dies amoris*, is a day given to the parties in order that they may come to terms during the interval.

^b Throughout several MSS. the bailiff is called the sworn bailiff (*baillif jure*).

¹ Beus amy Richard,² auez entendu ceo que le baillif ad counte vers vous.

Sire, oil.

Responez dunkes de pardeu.³

Defence

Tort e force e ⁴ la peez deu e ⁵ la pees le seignur enfreynt e la vostre que auez la peez agarder e amayntenir e les perdes e les damages le seignur de xx. s. e le huntage de de demi marc e de checun denier defend Richard⁶ que ci est encountre le baillif Robert par noun que la est e encountre sa sute, e quant que il ly mette sur⁷; e bien vous mustre qe unkes teu jour ne a tel houre en tut cest an pur chose qe ly estoit dit ou fet par William⁸ son veysin ou par nul autre ne fu huteys ne crie leue en sa meson⁹ sicum il y mette sur. E de ceo est il prest de aquiter par tutes maneres que ceste curte agarde qe aquiter le¹⁰ dait.

Beus amys Richard,¹¹ fet le seneschall, ceste curt agarde que vous seiez a vostre ley¹² a vostre sime¹³ mayn a la procheyne curt encountre Robert e encountre sa sute¹⁴ de vous aquiter qe par vous descord huteys ne estri¹⁵ leue ne fut sicum¹⁶ vous mette sur.

E si il voudra reconustre les huteis leue dounke purra il dire :—Tort e force defend Richard etc. e bien reconust le huteis en autre manere¹⁷ leue a tel houre e a teu jour meme cest an que fut, nomement pur pour que il auait de vilaines paroles¹⁸ William son veisin e de ces manaces que souent fu enpoint¹⁹ de ly occir tele nut pur une dette que il ly deuoit noun pas rendu a houre²⁰ ne a terme entre eus assis.

Beus amis Richard,²¹ coment est cheste chose apese entre vous.

Sire, il se sent²² lendemain que il auoit mespris uers

¹ *Om. three next sentences X.* ² *Willam E.* ³ *de part deu E.*
Add Sire volunteers C. Add Sire volunteers par lei de ceste court S. In S the two alternative defences which follow are fused together. ⁴⁻⁵ *Om. C.*
⁶ *Willame EX.* ⁷ *Om. seven last words E.* ⁸ *Walter S.* ⁹ *Om. en sa meson E.* ¹⁰ *ly C. se NX. sey E.* ¹¹ *Willam E.* ¹² *a une ley XNE.* ¹³ *syme CE. sisime X.* ¹⁴ *Om. rest of paragraph EX.*
¹⁵ *estri C. cri N.* ¹⁶ *Ins. il CN.* ¹⁷ *Om. en autre manere CEN.*
¹⁸ *Ins. de C.* ¹⁹ *en byaunce C. en bay E. en banunce N. en baye O.*
²⁰ *jour E.* ²¹ *Willam E.* ²² *il se senty C. il luy senti N. Sire fet il jeo vous dirroi il se senti S.*

Fair friend Richard, hast heard that which the bailiff hath counted against thee ?

Yea, sir.

Answer thou then in God's name.

Tort and force and any breach of the peace of God and the peace of the lord or of thine, who art charged with guarding and maintaining the peace, and the loss and damage of the lord to the amount of 20s. and the shame of a half-mark and every penny of it, defendeth Richard, who is here, against the bailiff, Robert by name, who is there, and against his suit, and all that he surmiseth against him ; and well he showeth thee that never on such a day nor at such an hour in all this year, for anything said or done by William his neighbour or by any other was hue or cry raised in his house as he surmiseth against him ; and of this he is ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friend Richard (saith the steward), this court awardeth that thou be at thy law six-handed at the next court against Robert and against his suit, to acquit thyself that by thee no discord, hue nor strife was raised, as he hath surmised against thee.

*But if he will confess that the hue was raised, then he may say as follows :—*Tort and force etc. defendeth Richard, and right well he confesseth that the hue was raised, though in other manner, at such an hour on such a day this year that was, to wit, for the fear that he had by reason of the villain words and the threats of William his neighbour, who often was on the point of slaying him that night for a debt which he owed him and had not paid at the hour and term fixed between them.

Fair friend Richard, how was this matter appeased between you ?

Sir, on the morrow he [William] felt that he had

mey en dit e en fet ¹ *pur* une dette que me deuoit, si me pria par deus ² hommes de la vile que ly pardonas ³ le trespas que il out encountre mey fet e mey offrit plainement les amendes; jeo par consail des mes amys pris les amendes que il me offrit a teu couenaunt que il entre nous e may vers le seignur freit les amendes *pur* le trespas plainement, e ensement en vers vous si de riens vousez chalanger, ⁴ e de ceo me troua il deus pleges A. e B. *par* noun.⁵

Richard,⁶ fet le seneschall, vous auez aumeyns reconu par my vostre bouche en ceste plaine curt lez huteys e la crie leuez teu jour a tel houre sicum le baillif vous mette sur *pur* une trespas que William ⁷ vostre veysin vous dut auer fet a vostre dit, e ne poez dedire en ceste curt que vous ne auez ceste chose concele ⁸; *pur* quay ceste curt agarde qe vous seiez en la mercy le seignur de ses damages e de ces pertes et huntage fetes e taxes, e que vous recouerez sur William ⁹ e ses ¹⁰ pleges en la fourme de dreit.

¹¹ Si deuez sauere que touz les attachemenz deiuent estre fez par baillif e par li punt il estre relessez en cas, e en cas noun, *pur* ceo que nul homme ne swit les attachez sicum le baillif ¹² *pur* les choses que sunt fetes encountre les franchises le seignur. Mes puis que eles sont quereles e responduz ¹³ ne pount il riens relessen si noun par la centement deuie nul ¹⁴ ne se poit acorder saunz conge le seignur¹⁵ e par ly purrunt hardiment acorder.¹⁶

¹ enerifet A. ² *Ins.* prodes S. ³ queo jeo pardonasse E. ke jeo ly pardonasse C. ⁴ si de rent fussez chalange C. si de rien fusse chalange S. *sim.* N. ⁵ pleges A. B. C. par nouns N. ⁶ Willam E. Robert N. ⁷ Walter S. ⁸ *Ins.* e entre vous ceste chose apeysee X. *sim.* E. ⁹ Walter S. ¹⁰ ou de ses X. ¹¹ *This note is not in S.* ¹² attachez si noun le baylif E. *sim.* N. attachez si noun les baillyfs C. attachez si le baillif non X. ¹³ mes pus ke les quereles sont respitez N. ¹⁴ assentiment des parties nes nul C. consentement des parties mes nul E. *sim.* NO. ¹⁵ *Ins.* ou du seneschal ky est en lieu le seignur N. *sim.* O. ¹⁶ Mes nul se poit acorder si par le conge le baillif non, sauue le dreit le seigneur; mes par son conge porront il hardiement acorder X *instead of last sentence.*

transgressed against me by word and deed about a debt which he owed me, and he prayed me by two [good] men of the vill that I would pardon him the trespass done against me and offered me full amends; and I by counsel of my friends took the amends which he offered me upon this agreement that he, as between us two, should make full amends to the lord for the trespass, and also to thee if thou shouldest claim aught, and for so doing he found me two pledges, A. and B. by name.

Richard (saith the steward), thou hast at least confessed with thine own mouth in this full court the hue and cry levied on such a day at such an hour as the bailiff surmiseth against thee, about a trespass which, as thou allegest, William thy neighbour did against thee, and thou canst not deny in this court that thou hast concealed this matter, [and appeased it amongst yourselves^a]; wherefore this court awardeth that thou be in the lord's mercy for his damages, loss and shame which are taxed, and that thou do recover against William and his pledges in form of law.

^b Note that all the attachments should be made by the bailiff and that in some cases they may be released by him and in other cases they may not, because no man sueth against the attached save the bailiff in respect of things done against the franchise of the lord. But when once there has been plaint and answer he can release nothing save by the consent of the parties and none may make compromise without the leave of the lord [or of the steward who is in the lord's stead]; with such leave they may do it boldly.

^a Not in all MSS.

^b We shall come upon a Latin version of this note in another treatise; see below, p. 79.

Encouplement de assise de pain e de cerueise.¹

- [2] Sire seneschal, le baillif Robert par noun que ci est se plaint de William le Mercer² que la est que atort e encountre le ordeinement e la general constitucion du reaume e encountre les estatuz le seignur e sa franchise³ ad enfreint lassise⁴ de checun manere de ble puis la feste saynt Michel, cest assauer desicum il ad vendu⁵ le quarter de bon furment pur iij. s. e vj. d.⁶ a tuz les plus haut en touz marchez en ceo pays par unt que gastel de ferlinge dut passier xliij. s.⁷ e le pain coket de meme le ble e de meme le bultel⁸ plus que le gastel de v. s. e le pain siminel mains del gastel de ij. s. e le pain de enter fourment dut paier un coket et demi, e uncore li surdreit purement de gain en checun quarter de furment sicum il est proue par les pestours nostre seignur le rey iij. d.⁹ e le bran¹⁰ e deus pains al fournage e a iij. garcions iij. ob. e a un garcon un ferlinge e en sel ob.¹¹ e en bersil¹² ob. e en chandele ferlinge en buche iij. d. e lower de bolteres¹³ ob., dunt atort e encountre le ordeinement e la general constitucion du reaume e les estatuz le seignur e sa franchise ad il cest assise de pain enfraint, par quey le seignur e ses bones genz en unt damage de c. s. et huntage de xl. s. Si conustre le voit,¹⁴ beu ly est, sil dedit, atort¹⁵ le dedit, kar nous en aum sute bone e suffisaunte.

Tort e force e les damages le seignur e ses bone gentz a la mountaunce de c. s. e le huntage de xl. s. e de checun denier et de quant qe ily mette sur e de quant qe est encountre le ordeinement e la generale constitucion du reaume e les estatuz le seignur e sa franchise defent William le Mercer qe ci est encountre le baillif Robert par noun qe la

¹ Will. le Mercer attachiatus pro assisa panis fracta, pleg' ad respondendum A. et B. *S by way of title.* ² William le Messer E. Joan Pichard X. ³ sa franche assise N. ⁴ Ins. de pain E. sim. CNX. ⁵ desicum home ad vendu N. ⁶ Ins. e A. ⁷ lxij. s. O. xliij. s. S. ⁸ meyme le bolettes N. ⁹ ij. d. EX. ¹⁰ en le bran X. ¹¹ Here and elsewhere S has maille for ob. ¹² en berkyl E. en geest X. ¹³ bolteals C. bolettes N. bollettes S. ¹⁴ C adds ut supra and has no more of this sentence. ¹⁵ N adds etc. and has no more of this sentence.

Charge of breach of the assize of bread.

[2] Sir steward, the baillif Robert by name, who is here, complaineth of William Mercer, who is there, that wrongfully and against the ordinance and the general constitution of the realm and against the statutes of the lord and his franchise,^a he hath broken the assize of bread in all manner of grain since the feast of St. Michael, to wit, for that whereas the quarter of good wheat sold for 3 s. 6 d. at the utmost in all markets in this country, so that the farthing loaf of wastel-bread should weigh 43 s.^b and the loaf of coket-bread of the same grain and the same bolting should weigh 5 s. more than the wastel, and the loaf of simnel-bread 2 s. less than the wastel, and the loaf of whole wheat should weigh one coket and a half, and still there would arise for the seller on every quarter of wheat, as is proved by the bakers of our lord the king, 3 d. pure gain besides the bran and two loaves for the baking and three half-pence for three lads and a farthing for another lad and a half-penny for salt and a half-penny for yeast and a farthing for candle and 3 d. for wood and a half-penny for wages of the bolters,^c nevertheless wrongfully and against the ordinance and general constitution of the realm and the statutes of the lord and his franchise, he hath broken the assize of bread, whereby the lord and his good folk have damage to the amount of 100 s. and shame to the amount of 40 s. If confess he will, well and good; if he denieth, wrongfully he denieth, for we have suit good and sufficient.

Tort and force and the damages of the lord and of his good folk to the amount of 100 s. and the shame of 40 s. and every penny thereof and all that he surmiseth against him, and all that is against the ordinance and general constitution of the realm and the statutes of the lord and his franchise, defendeth William Mercer, who is here, against

^a Here and in similar passages the MSS. often disagree as to whether the proper phrase is 'his franchise' or 'his frank assize.'

^b According to the commonest version of the Assize the weight should be 42 s. and this is the weight

mentioned in one of our MSS. It will be remembered that shillings and pence were weights as well as sums of money: indeed we still know the pennyweight.

^c See the assize of bread, Stat. of the Realm, i. 199.

est e encountre sa sute, a quant que ily mette sur ; e bien vous mustre que il ad tute plainement e lealement parfurni lassise solom la vente de marches puis la feste seint Michel iekes a cest heure ; e qe seit uerite prest sumes de auerer par quant que ceste curt agarde que auerrer deuomes.¹

E sil uoit especefier la maner coment il ad parfourni lassise du pain, dunt purra il dire² en teu maner³ :—Tort e force etc. ut supra tut outre cum auant. E la ou le baillif ly met sur qe le quarter de bon furment tuteuais pus lauandit fest seint Michel est vendu en checun marche pur iij. s. vj. d. responoumes e dioms qe il nachata unkes de meyndre pris qe de iiij. s. vj. d. nul quarter de bon fourment, par unt il ad tenu lassise de pain⁴ solom ceste achate e bien e plainement⁵ deit le pain de gastel de ferlinge paiser xxx. s. solom lassise establie, e le pain coket de meme le ble e meme le boltel plus que le gastel de iij.⁶ s. e de ble de meyndre pris plus qe le gastel⁷ de v. s., e le siminel mains del gastel de ij. s., e le pain de enter fourment plus de un coket e demi, e le pain de trait⁸ de checun maner de ble paiera iij. cokes ; e que il ad leument e tute plainement parfourni lassise del pain solom cel vente establi, si mette il largement en la juree de vile ; e uncore par my tute ceo que il ne poit auer de la gayn purement fors treis ob. en checun quarter e le bryn e un payn al furnage e j. d. a deus garcions pur totes ces myses⁹ e tuz ces trauailles si mette il en lauandite jure de bien e de mal communement¹⁰ pur sey mesmes bien e leument esclariser.¹¹

¹ Ideo inquiratur *S*, which has no more of this plea.

² Verdire *N*.

³ *Om.* E sil voit . . . en teu maner *X*.

⁴⁻⁵ bien e plainement car solom

cel akat *C*.

⁶ iiij. *N*.

⁷ *Om.* qe le gastel *X*.

⁸ tret *CX*. treyt *N*.

⁹ deus seriaunz par totes services *E*. ij seriauntz pur totes ses myses *C*.

¹⁰ *E* stops.

¹¹ esclarsir *C*. bien e nettement esclarcir *N*.

the bailiff Robert by name, who is there, and against his suit and all that he surmiseth against him ; and well he showeth thee that right fully and loyally hath he performed the assize according to market prices since the feast of St. Michael until this hour ; and that this is the truth we are ready to aver in such manner as this court shall award that aver we ought.

*And in case he will specify the manner in which he has performed the assize of bread, then may he say [the truth]^a as follows:—*Tort and force etc. (*as above, making an utter defence, and then adding*) and whereas the bailiff surmiseth against him that the quarter of good wheat ever after the aforesaid feast of St. Michael hath sold in every market for 3 s. 6 d. we answer and say, that no quarter of good wheat ever sold for less than 4 s. 6 d., wherefore he hath kept the assize of bread according to this price, and right and clear it is that the farthing loaf of wastel should weigh 30 s. according to the established assize, and the coket loaf of like grain and like bolting 3 s. more than the wastel, and if it be of grain of less price, then 5 s. more than the wastel, and the simnel 2 s. less than the wastel, and the whole wheat loaf more by a coket and a half, and the loaf of trait of every manner of grain shall weigh three cokets ; and that he hath loyally and right fully performed the assize of bread according to this established rate, he putteth himself at large on the jury of the vill ; and yet that for all this he could get by way of pure gain but three halfpence on each quarter besides the bran and one loaf for the baking and one penny for two lads, for all his costs and all his pains, he putteth himself on the aforesaid jury alike for good and ill, that these matters may be well and lawfully declared.

^a A special plea is often introduced by the words 'Sed veritatem vult dicere' ; the defendant desires to make a confession of facts.

Encopement de assise de serueys enfreynt.¹

- [3] Sire seneschall, le baillif R. par noun que ci est se pleynt de Willame le Taillour² que la est, que il encountre le ordeynement le seignur e sa franchise³ ad enfreynt lassise de ceruoyse⁴ en checun bracyn que il fit bracer puis la feste seynt Michel dekes en sa, desicom le ordeynement e la constitucion le seignur e⁵ sa fraunchise establee ne veut que nul⁶ bracour ne nule braceresse de sur sa forfeiture de demi marc brace ceruoyse dount le gallon seit plus cher vendu que a maylle del seynt Michel dekes la Touz Seynz, si il ne seit si bone e si trye e si apertement brace par le assay e le discrecion des assayurs⁷ puisse couenablement estre vendue pur iij. ferlinges saunz checun chalange, dount meymes cely Willame atort e en despit le seignur e encountre lauandite establissement e saunz le assay e la discrecion des assayours⁸ par sa autorite demeyne ad vendu mauweyse wapye⁹ tote veys puy la feste seynt Michel, e la galon a iij. ferlinges en grant preiudice de la franchise¹⁰ le seignur qe est purueue e establee par unt que il ad encoru la forfeiture le seignur de demi marc, e huntage de vj. s. etc.¹¹

Defense

Tort e force¹² e la forfeiture le seignur de demi marc e le huntage de vj. s. e de checun denier e quant que est encountre le ordeynement le seignur e sa franchise¹³ establee purueue e grante e la vostre que auez la pees agarder e mayntenir defend William que ci est encountre le baillif Robert par noun que la est e encountre sa sute e quant qe ily mette sur ; e bien vous mustre que il ad leument et tut pleynement parfurny le ordeynement e la constitucion le seignur e sa franchise¹⁴ que est purueue e establee de sa

¹ Will. Cissor attachiatus est pro assisa servisie fracta, plegii ad respondendum C. et B. *S by way of heading.* ² Tauerner N. ³ sa franche assise E. NOS sim. Ins. e la vostre ke avez la pes a garder e a maintenir N. ⁴ servoyse S. ⁵⁻⁶ la franche assise ad establee ke nul N. ⁷ si bone e si trye e si bien brace ke solum le discrecioun des assayors S. si trie e si bone e si atemprement brace par lassise e le assay E. ⁷⁻⁸ Om. CEN. ⁹ mauweyse wapie C. sim. N. mauweyse cerueyse wapye E. *S omits the material words of the charge.* ¹⁰ franchise assise N. ¹¹ Ins. si conustre le veut beau li est si il le dedit atort le dedit car etc. X. ¹² Tort e non resoun S. ¹³ franche assise E. sim. N. fraunchise assise O. ¹⁴ franche assise E. sim. NS. fraunchise assise O.

Charge of breach of the assize of beer.

[3] Sir steward, the bailiff R[obert] by name, who is here, complaineth of William Tailor, who is there, that against the ordinance of the lord and his free assize^a he hath broken the assize of beer in every brewing that he hath brewed since the feast of St. Michael until now, for the ordinance and constitution of the lord and his established franchise will that no brewer or breweress upon pain of forfeiture of a half-mark do brew beer whereof the gallon shall be dearer sold than at a halfpenny between Michaelmas and All Saints unless it be so good and approved and temperately brewed according to the assay and discretion of the ale-tasters that it may conveniently be sold for three farthings without complaint; and the said William wrongfully and in despite of the lord and contrary to the aforesaid establishment and without the assay and discretion of the tasters of his own authority hath sold bad beer^b ever since Michaelmas, and this at three farthings for the gallon to the great prejudice of the free assize of the lord which is provided and established, so that he hath incurred the lord's forfeiture of a half-mark and done him shame to the amount of 6 s. etc.

Tort and force and the forfeiture of a half-mark to the lord and the shame of 6 s. and every penny of it and all that is against the ordinance of the lord and his free assize established, provided and granted, and thine, who art charged to guard and maintain the peace, defendeth William, who is here, against the bailiff Robert by name, who is there, and against his suit and all that he surmiseth against him; and well he showeth thee that in the brewing of his beer he hath loyally and right fully performed the ordinance and constitution of the lord and his free assize which is provided

^a The MSS. in this and other places differ as to whether what is broken is the lord's *franchise* or his *frank assize*. When the assize of beer is in private hands it is a franchise (*libertas*) and so may be called

a frank assize (*libera assisa*): a *liberty* is a special privilege.

^b In some MSS. the beer is said to be *wapye*, i.e. flat, Lat. *vapidus*. See Roquefort s.v. *wapie*.

*ceruoyse brace*¹; e que il nad pas lassise enfreynt ne en nule maner encoru la forfeiture le seignur² sicom le baillif Robert par noun que ci est li mette sur, prest est de sey aquiter en totes les maners que ceste curt agarde que aquiter se deit.

Beus amys Williame, fet le seneschall, ceste curt agarde que vous seiez a une lay oue vostre sime³ mayn⁴ de vous aquyter que vous ne auez mye enfreynt lassise de *ceruoyse* en la maner com le baillif present uers vous⁵ ad counte puy la feste seynt Michel.⁶

Encopement de pessun vendu.⁷

- [4] Sire seneschall le baillif que ci est R. par noun se pleint de Thomas le Pessouner⁸ que la est, que il encountre la franchise le seignur e les establissemens de la vile et la vostre que auez la franchise agarder e amayntenir, tut cest an checun iour ad vendu pessoun en pleyne marche a ses veysinis e as autres estranges genz e a tuz⁹ communement pessoun e harange puant e purri e en totes maneres corumpu, dont meynt homme et meynte femme en unt rescu male damage et grant enfermete de cors pur la longe tenue¹⁰ qe il fit pur cele marchandise cher vendre, par unt ke le seignur e ses bone genz en unt damage de xl. s. e huntage de xx. s. Si conustre¹¹ etc.

Defense

Tort e force¹² e la franchise le seignur e le estableissement de la vile enfreynt e les damages le seignur e ses bone genz de xl. s. e le huntage de xx. s. e de checun denier, defend Thomas que ci est encountre le baillif Robert par noun que la est e encountere sa sute e quant que ili mette sur¹³ e bien vous mustre¹⁴ ke unkes nul iour de marche de denz cest an pur nule manere longe detenue vendit a veysyn ne a autre homme estrange harange ne pessoun forke de bone

¹ bracer C. ² Ins. de demy mark X. sim. E. ³ sisime S. vj^{me} X.
⁴ Ins. a la procheine curt C. ⁵ bailif enpresence devant nous envers vous E. baillif jure ci en enpresent envers vous X. ⁶ Add Sire volunters CN.
⁷ vendu encountre franchise de la vile E. No heading X. Thomas Piscator attachiatus est quia vendidit pisces contra libertatem ville, plegg' de respondend' etc. S by way of heading. ⁸ Peschour CS. Pescheur X. ⁹ e a tuz e a tutes C. ¹⁰ longe detenure C. sim N. ¹¹ Ins. beau li est si il le dedit atort le dedit car X. ¹² Tort e non resoun S. ¹³⁻¹⁴ Om CENS.

and established ; and that he hath not broken the assize or in any wise incurred a forfeiture to the lord as the bailiff Robert by name, who is there, surmiseth against him, he is ready to acquit himself in such wise as this court shall award that acquit himself he ought.

Fair friend William (saith the steward), this court awardeth that thou be at a law six-handed to acquit thyself that thou hast not since the feast of St. Michael broken the assize of beer in such wise as the bailiff here present counteth against thee.

Charge of selling fish [against the franchise of the vill.*]

- [4] Sir steward, the bailiff, who is here, R[obert] by name, complaineth of Thomas Fisher, who is there, that against the franchise of the lord and the establishments of the vill and of thee, who art charged to guard and maintain the franchise, all this year every day hath he sold fish in full market to his neighbours and to strangers, and to all alike fish and herring stinking and rotten and in all wise corrupt, whereby many a man and woman hath received ill damage and great sickness of body by reason that he held the fish a long time in order to sell it at a higher price, whereby the lord and his good folk have damage 40 s. and shame 20 s. If confess he will etc.

Tort and force and any breach of the lord's franchise and of the establishment of the vill and the damages of the lord and of his good folk of 40 s. and the shame of 20 s. and every penny of it, defendeth Thomas, who is here, against the bailiff Robert by name, who is there, and against his suit and all that he surmiseth against him ; and well he showeth thee that never on any market day within this year by any manner of long keeping did he sell to neighbour or stranger herring or fish save of good salting

* Not in all MSS.

salysone e de beu sesun.¹ A ceo que ily mette sur que meynt homme e meynthe femme receustrent² mal e damage e grant enfermete de cors pur la corrupcion del harange e de pessoun que il ad,³ responoms e diomus que il est prest de sey aquyter en tote les maners que ceste curt agard que aquyter se deit.

Beus amys Thomas ceste curt agard que vous seiez a une ley oue vostre vij.⁴ meyn.

Encouplement de baterie ou de trespas fet a estranges genz.⁵

- [5] Sire seneschall, Henry de Combe que ci est se pleynt⁶ ke la ou il vint en la pees deu e en la pees le seignur son dreit chemyn par my cest vile que est la surte⁷ de vostre franchise,⁸ teu jour tel heure, en⁹ an qe fu, la vint meme cesti Esteuene le Charpenter e ly encountra en tel lu certeyn, e li assayli de vileynes paroules saunz desert, en tant que ly appella laron e deleaus, e quant que beu ly fut hors pris seulement son dreit noun, e luy dit que ily espiat de meson en meson e les priuez de la vile¹⁰ pur autre fiez venir nutantre oue sa compaygne pur lur mesons debriser e lur biens enporter larcenousement com laron e felonousement com felon; cesti Henry ly respondist bonerement¹¹ e dit que il fu bons e leaus en totes choses, e que il dit sa volunte; memes cesti Esteuene se currut a iceus¹² e saka son bastone de bus¹³ hors de la meyn memes cesti Henry e ly dona trauers la teste e les epaules e les reynz e aillours par tout son cors ou beu ly fut e puis sen ala. Iceo trespas fit le auantdit Esteuene a tort e encountre reson e encountere la pees le seignur e le vostre que auez la pees agarder e amayntenir a ses damages de xx. s. e huntage de demi marc, etc.¹⁴

¹ peson si de bon seson noun e de bone saleyson X.

² pristerent E.

³ Ins. vendu CEN. Om. que il ad X.

⁴ syme E. sime N. sisime S.

vj^{me} X.

⁵ Encouplement de esclaundre N. No heading X. Cest de trespas S.

⁶ Ins. de Esteuene le Carpenter ke la est C. sim. X.

⁷ la source E. ky est en la seurte N.

⁸ Om. que est. . . franchise S.

⁹ ou CE.

¹⁰ les secrez de la vil e la privitez C. les secrez e les privetyz des bons gens de la vile E. les estres e les privetez N. les estrez de la vile e les privetez O. les privetez de bone gent de la vile S.

¹¹ deboneirement X.

¹² se coru sa aiteles C. se coroucha a i teles N. sey corousa a celes O. e encore ne lessa mie aitelez X.

¹³ houz E. huz CNO. holin S.

¹⁴ X adds the usual concluding formula.

and in good season ; and as to what he saith that many a man and woman hath taken ill and damage and great sickness of body by reason of the corruption of the herring and fish that he hath sold, we answer and say that he is ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friend Thomas, this court awardeth that thou be at a law six-handed.

Charge of battery or trespass done to strangers.

- [5] Sir steward, Henry of Combe, who is here, complaineth of Stephen Carpenter, who is there, that as he was going his right way in the peace of God and in the peace of the lord through this vill which is within the surety of thy franchise, at such an hour on such a day in the last year, there came this Stephen Carpenter and encountered him in such a place (*naming it*), and assailed him with villain words which were undeserved, insomuch that he called him thief and lawless man and whatever other names seemed good to him except only his right name, and told him that he was spying from house to house the secrets of the good folk of the vill in order that he might come another time by night with his fellows to break their houses and carry off their goods larcenously as a larcener and feloniously as a felon ; whereupon this Henry answered him civilly and said that he was good and lawful in all things and that he [Stephen] was talking at random ; whereupon the said Stephen was enraged at this and snatched his staff of holly out of his hand and gave it him about his head and across his shoulders and his loins and elsewhere all over his body as he thought fit and then went off. This trespass did the said Stephen wrongfully and against reason and against the peace of the lord and of thee, who art charged to guard and maintain the peace, to his damage 20 s. and shame a half-mark etc.

Defense

Tort e force ¹ e quant que est encountre la pees deu e ² la pees le seignur e la vostre que auez la pees a garder e mayntenir e les damages le seignur ³ de xx. s. e huntage de demi marc e de checun denier, defend Esteuene que ci est ⁴ e totes maners de felonyes e totes maners de vileynes paroules encountre Henry de Cumbe que la est e encountre sa sute e quant que ili mette sur, que unkes laron ne ly appella ne vileyne paroule ne ly dit ne vileyne esclaundre ne ly sur mist ⁵ ne de bastone de bus ⁶ ne de autre bastone ly ferrist entreuers la teste ne les espauls ne les reins, ne en nul lu de cors sicom ily mette sur; e que ceo seit veirs, prest est de sey aquyter en totes les maners que ceste curt agard que aquyter se deit.

Beus amys Esteuene, ceste curt agarde que vus seiez a une lay ⁷ etc.

⁸ **Uncore de trespas.**

- [6] Willame de C. ki ci est se pleint de Adam Emarc ⁹ ke la est ke il en la pes deu e en la pes le seignur e la vostre ke auez la pes agarder e amaintenir, teu iour a tel hure cest an ke fu vint insemblement oue ses ij. fiz A. et B. par nons oue grant noise en la meson de N. encontre son gre e sa bone volonte entrerent e li assailirent de vileyne paroles en tant com le apelerent laron e deleaus e puis defet atant ¹⁰ com il li survindrent des espeyes tretes e felonessment li naufrurent en la teste e aillurs en cors ou beau lur fu e ouekece malement le batirent e treiterent encontre la pes le seignur e la vostre ke auez la pees agarder e amaintenir a son damage de vij. mark ¹¹ e huntage de demy marc. Si conoistre le veut beau li est, si il le dedit atort le dedit, car etc.

¹ Tort e non resoun *S.* ² *Om.* la pees deu e *C.* ³ e ses damages *XS.* e les damages *H. E.* *Om.* le seignur *CN.* ⁴ *According to S and X Stephen prays a love-day and this is granted. In E there is no denial of felony.* ⁵ esclaundre ly surmist *C.* esclaundre sur ly myst *E.* ⁶ de hus *C.* de hous *E.* de huz *N.* ⁷ *Ins.* od vostre syme meyn a la prochein court de vous aquiter. Sire volunteers *E.* ⁸ *This case is given only by S and X. Our text is from X; the heading from S.; X gives no heading.* ⁹ *Om.* Emarc *S.* ¹⁰ en tant *S.* ¹¹ j. marc *S.*

Tort and force and all that is against the peace of God and the peace of the lord and of thee, who art charged to guard and maintain the peace, and his [Henry's] damages of 20 s. and shame of a half-mark and every penny of it, defendeth Stephen, who is here, and all manner of [felonies and all manner of^a] villain words against Henry of Combe, who is there, and against his suit and all that he surmiseth against him, that never he called him thief nor gave him villain word, nor surmised villain slander against him, nor with staff of holly nor other staff beat him across the head or shoulders or loins or any part of his body as he surmiseth; and that this is true, he is ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friend Stephen, this court awardeth that thou be at a law [six-handed at the next court to acquit thyself.

Willingly, sir.^b]

Another case of trespass.

- [6] William of C., who is here, complaineth of Adam Emark, who is there, that in the peace of God and the peace of the lord and thine, who art charged to guard and maintain the peace, on such a day at such an hour this year that was, came [Adam] with his two sons A. and B. by name with great noise to the house of N. and against his will and wish entered and assailed him with villain words in so much that they called him thief and lawless man and afterwards assailed him in deed and fell on him with drawn swords and feloniously wounded him in the head and elsewhere in his body where they pleased and therewithal beat him badly and illtreated him against the peace of the lord and thine, who art charged to guard and maintain the peace, to his damage of one mark and shame of a half-mark. If confess he will, well and good: if he denieth, wrongfully he denieth, for etc.

^a Not in all MSS. There has been no charge of felony. Had there been such, the lord's court would not have been competent,

unless indeed he had exceptional franchises.

^b Not in all MSS. Some of them suppose that a love-day is given.

Tort e force¹ e la pes deu e la pes le seignur e le seneschal enfreinte e son damage de j. mark e huntage de demy marc e de chescun dener defent A. ki ci est ancontre V. ke la est e ancontre sa seute pur ly e pur ses ij. fiz A. e B. par nons, e ke unkes sa meson ne entrerent encontre son gre ne sa bone volante ne de vileyne paroles ne assaillirent ne unkes cop ne colee² de espee ne de baston ne de autre arme ne ly doneront sicom il vers li³ conte e de ce est il prest a fere par quant ke ceste curt agarde ke fere deit.

E donkes deit dire le seneschal, Beaus amys ceste curt agarde ke vus soiez a une ley oue vostre sisime main.

⁴ Sire volanters. Plegges.⁵

⁶Uncore de trespas.

[7] Wauter Underwode ke ci est si pleint de Willame le Clerc ke la est ke il en la pes deu e la pes le seignur e la vostre ke auez la pees a maintenir vint a teu iour a tel hure cest an ke fu en my la vile de C. nomement en un liu certain ke est apele B. oue un baston de holi⁷ en sa main destre e li assaillit de vileine paroles entant ke il le apela larron e deleaus e puis defet entant ke il de meymes le baston de holy⁸ le ferit en my la greue de la teste e li fist une playe de la leise⁹ de iiij. pouz e la longure de v. pouz a son damage de demy marc et huntage de iiij. soz. Si conoistre le veut etc.¹⁰

Tort e non reson¹¹ e la pes deu e la pes le seignur e le seneschal enfreinte e ses damages de demy mark e le huntage de iiij. s. e de chescun dener defent V. ke cy est encontre Wauter Underwode ke la est e ancountre sa seute e prest est ke il le defende par quant ke ceste curt agarde ke defendre le deyue e ke unkes cele playe en my la greue de la teste ne ly dona sicom il ad vers li cunte.

E donkes dit se seneschal, Amy agagez li une ley.

Sire volantirs.

¹ Tort e nonresoun S. ² color S. ³ vous S. ⁴⁻⁵ Om. S.

⁶ This case is given by S and X; our text is from X; the heading from S; X gives no heading. ⁷ holin S. ⁸ holin S. ⁹ leure S.

¹⁰ S continues the usual formula. ¹¹ Tort e force S.

Tort and force and any breach of the peace of God and the peace of the lord and the steward and his damage of one mark and shame of a half-mark, defendeth Adam, who is here, against William, who is there, and against his suit for himself and for his two sons A. and B. by name, that never did they enter his house against his will or wish nor assail him with villain words nor give him stroke or blow with sword or staff or other arm as he hath counted against him ; and [as proof] of this he is willing to do whatever this court shall award that do he ought.

Fair friend (shall the steward then say), this court awardeth that thou be at a law six-handed.

Willingly, sir. Pledges etc.

Another case of trespass.

- [7] Walter Underwood, who is here, complaineth of William the Clerk, who is there, that in the peace of God and the peace of the lord and of thee, who art charged to maintain the peace, he came on such a day at such an hour this year that was into the vill of C. to wit to a certain place called B. with a staff of holly in his right hand, and assailed him with villain words insomuch that he called him thief and lawless man and afterwards assailed him in deed insomuch that with the said staff of holly he struck him on the crown of his head and gave him a wound four inches wide and five inches long, to his damage of a half-mark and shame of 4 s. If confess he will etc.

Tort and unreason and any breach of the peace of God and the peace of the lord and the steward and his damages of a half-mark and shame of 4 s. and every penny thereof, defendeth William, who is here, against Walter Underwood, who is there, and against his suit, and ready is he to defend it in such wise as this court shall award that defend he ought, and that never did he give him this wound on the crown of his head as he hath counted against him.

Friend (shall the steward then say), wage him a law.

Willingly, sir.

[**Encopement de trespas fet al baillif.**]

[8] Sire *seneschal*, le baillif iure ke cy est R. *par non* se pleint de Johan le Taillur ke la est, ke la ou il vint teu iour a tel hure cest an ke fu en la pees deu e² en la pes le seignur a la meson meyme celi J. a une detresce fere *par* vostre comandement *pur* ce ke il sorsist ij. *communes* somonses de venir a la curt le seignur, la vint meyme celi³ e li assailli de mauese paroles e vileynes en tant com il dist ‘*Vus concelez e murez les attachemenz*⁴ dont preu e gain sordreit au⁵ seignur a⁶ volante demeyne, e *vus* corez⁷ a mal tant com *vus* poez a tort e a nonreson,’ e encore ne sessa il mye a tant ke il entra sa chambre e prist un arc de yf en sa main sanz corde e durement *pursuy* le baillif *pur* li batre ; le baillif *pur* sa folie eschywre sen fuit tantost dedenz la curt e se tint tot clos ; icest trespas li fist meyme cesti J. e ceste vilaynie e esclandre li surmist en le despit le seignur e encontre sa pees e la vostre ke auez la pes agarder e amaintenir, e a son damage de xx. s. e le huntage de demy mark. Si conoistre le veut, beau li est etc.

Tort e nonreson e la pes deu e la pes le seignur enfreinte e la vostre ke auez la pees agarder e amaintenir e *quant* ke en est fet en le despit le seignur e la vostre e les damages le baillif e le hontage de demy marc e de checun dener, defent J. ke ci est e tote vileine esclandres encontre le baillif iure R. *par non* ke la est e ancontre sa seute e *quant* ke il li mette sure, ke unke vileyne ne li dist ne esclandre li surmist ne de baston ou de arc le suit *pur* vilaynie ou *pur* batre si com il dit ; e ke ce soit uerite prest est de sey aquiter en tote les manieres ke ceste curt agarde ke aquiter se deit.

E donke dit le *seneschal* Beaus amys J. ceste curt agarde ke *vus* li gagez une ley.

Sirre volanters. Plegges.

¹ *This case is given by S and X ; our text is from X ; the heading we supply ; X gives none ; S has by way of heading Johannes Cissor attachiatus est quia contulit ballivis verba contumeliosa, plegg' ad respondendum etc.*

² *Om.* en la pees deu e S.

³ celui J. S.

⁴ entachemenz S.

⁵ a oes le S.

⁶ *Ins.* vostre S.

⁷ e vous nus corez S.

[Charge of trespass done against the bailiff.]

- [8] Sir steward, the sworn bailiff R[obert] by name, who is here, complaineth of John Tailor, who is there, that as he came on such a day at such an hour this year that was in the peace of God and the peace of the lord to the house of the said J[ohn] by thy commandment to make a distress for that he [John] had neglected two general summonses to come to the lord's court, there came this [John] and assailed him with bad and villain words, insomuch that he said 'Thou of thy own will concealest and murderest the attachments whence gain and profit might accrue to the lord and thou dost persecute us as much as thou canst in tort and unreason,' and still he ceased not insomuch that he entered his room and took a bow of yew in his hands which was unstrung and pursued the bailiff to beat him, and the bailiff seeing his rage escaped and fled into the [lord's] court and kept himself close. This trespass did to him the said J[ohn] and surmised against him this villainy and slander in despite of the lord and against his peace and thine, who art charged to guard and maintain the peace, and to his damage of 20 s. and shame of a half-mark. If confess he will, well and good etc.

Tort and unreason and any breach of the peace of God and the peace of the lord and of thee, who art charged to guard and maintain the peace, and all that is done in despite of the lord and of thee, and the damages of the bailiff and the shame of a half-mark and every penny thereof, defendeth J[ohn], who is here, and all villain slanders against the sworn bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him, and that never he said villainy nor surmised slander against him, nor pursued him with staff or bow for any villain purpose or battery, as he [Robert] saith; and that this is true he is ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friend J[ohn] (shall the steward then say), this court awardeth that thou do wage him a law.

Willingly, sir. Pledges etc.

¹ Encopement de trespas e de close debrise.

- [9] Willame de C. ke cy est se pleint de A. B. C. e D. ke la sont, ke il en la pes deu e la pes le seignur e la vostre ke auez la pes agarder e amaintenir, vindrent teu iour a tel ure en tel an a force e as armes en sa terre en C. nomeement en le champ de meyme la vile e ses blez cressanz sierent e amporterent e ses pomers e autres arbres couperent e ses mesons abatirent² e plusors autres damages li firent e huntages al amuntance de xl. s. Si reconoistre le volent beau li est si il le dedient a tort le dedient, car nus en auom suite bone e suffisante.

Tort e non reson e le huntage e damages de xl. s. e de chescoin denier e les armes e quant ke est ancontre la pes le seignur e le vostre ke auez la pes agarder e a maintenir tot outre defent A. B. C. e D.³ e les auant nomez⁴ ke ci sont encontre G.⁵ ke la est e ancontre sa seute, e prest sont ke il se defendont par quant ke ceste curt agarde ke defendre se deyuent ke unkes en sa terre en C. ne entrerent a force ne as armes ne ses blez en terre cressanz sierent ne ses arbres decouperent ne ses mesons atrauantrerunt⁶ sicom il ad vers eus cunte.

E donke dit le seneschal, Beaus amys⁷ ceste curt agarde ke chescun de vus soit a sa ley encontre V.⁸ de C. oue sa xij^{me} main.

Sire volantirs.

⁹ Plegges de la ley.

Quant bracor ou braceresse deneye vendre cervoyse a son seignur.¹⁰

- [10] Sire seneschall, le baillif R. par noun qui ci est se pleint de Elys de la Founteyne qui la est que il atort e en despit le seignur ly deneya de vendre ceruoyse al oes le seignur

¹ This case is given by S and X; our text is from X; we supply a heading.

² aggrauanterent S.

³⁻⁴ Om. S.

⁵ W. S.

⁶ aggrauanterent S.

⁷ Biais seignors S.

⁸ W. S.

⁹ Om. this

clause S.

¹⁰ Elyas de Fonte attachatus est ad respondendum eo quod vetuit vendere servisiam domino. S by way of heading.

[Charge of trespass and breach of close.]

[9] William of C., who is here, complaineth of A. B. C. and D., who are there, that in the peace of God and the peace of the lord and of thee, who art charged to guard and maintain the peace, they came on such a day at such an hour in such a year with force and arms to his land in C., to wit, in the field of the said vill and cut and carried off the grass there growing, cut his apple and other trees and beat down his houses and divers other damages and shames did to him to the amount of 40 s. If confess they will, well and good; if they deny, wrongfully they deny, for we have suit good and sufficient.

Tort and unreason and the shame and damages of 40 s. and every penny thereof and the arms and all that is against the peace of the lord and of thee, who art charged to guard and maintain the peace, defend outright the afore-named A. B. C. and D., who are here, against W[illiam], who is there, and against his suit, and ready are they to defend themselves in such wise as this court shall award that defend themselves they ought, that never in his land of C. they entered by force nor with arms nor cut his grass growing on the land nor cut down his trees nor overturned his houses as he hath counted against them.

Fair friends (shall the steward then say), this court doth award that each of you be at his law against W[illiam] of C. twelve-handed.

Willingly, sir.

Pledges for the law are etc.

When brewer or breweress refuseth to sell beer to the lord.

[10] Sir steward, the bailiff R[obert] by name, who is here, complaineth of Ellis Atte Well, who is there, that wrongfully and to the lord's despite he refused to sell beer to the use of the lord on such a day at such an hour in the

teu jour tel hore ou an que fu, desicom il auoyt en sa brachine¹ nouele *cerwyse* e estale a ses veysines e as estranges genz a lauanditee journee vendi; e *pur* ceo a tort que ily pria bonerement e ententiuement *pur* lamour son seignur que ily vendit de sa *ceruoyse* *pur* meyntenant e prestement² sa paye receyuere solom lassise que est *purueu* e establie, mes cely Elys par priere ne *pur* amonestement ne unkore *pur* meyntenant e prestement sa paye receyuere no voleit reconostre que il auoyt *ceruoyse* auendre nouele ne estale celement ou apertement *pur* doner ou vendre a seignur ou a nul de seons *par* unt ke le seignur ne voleit a cele jorne auer eu le damage *pur* xl. s. ne le huntage *pur* xx. s. *pur*³ estranges que illukes furent asembles. Si conustre etc.⁴

Defense

Tort e force⁵ e les damages le seignur de xl. s. e le huntage de xx. s. e de checun denier e quant que est en despit le seignur, defend Elys que ci est encountre le baillif iurre R. *par* noun que la est e encountre sa sute e quant que ily mette sur; ⁶ e bien vous mustre que a tel jour que le baillif ly mette sur ne a tel heure⁷ ne unkore denz les iiij. iours apres ne fu nule manere de *ceruoyse* en son poer nouele ne estale de denz tonel ne de hors *pur* doner ne *pur* vendre ley que ly oust done x. s.⁸ De autre part, sire, a ceo ke ily mette sur que il vendi meme le iour *ceruoyse* nouele e estale a ses veysinis e as estranges genz celement e en apert, responoms e dioms tut pleynement que il dit son talent, e vous offre un bessant de or *par* issint que leument seit enquis de ces bone genz⁹ de la vile e si vous trouez *par* bone enqueste¹⁰ de bone gent de la vile que il out *ceruoyse* a cele heure ne unkore de denz les quatre iours apres suant en nule heure des auantditez jornez *ceruoyse* nouele ou estale *pur* doner ou vendre, il ceo¹¹

¹ en sa meyson *CN.*

² presentement *E.*

³ *Ins.* les *ECN.*

⁴ *S X say nothing of the strangers; X gives more of the concluding formula.*

⁵ Tort e non resoun *S.*

⁶⁻⁷ *Om. N.*

⁸ vendre ky ke ly eust done x. mars de or molu *C.* vendre que ly ust donee x. mars de or molu *E.* vendre ke ly est done x. mars *O.* vendre quil li eust done mil mars dors *S.* vendre ky li eust done myl mars de or *X.* Upon this follows in *S (sim. X)* e nous vos offre sire j. besant dor par issi que ce soit enquis ententivement par les bones gentz de la vile. Et ideo inquiratur, and here ends the case.

⁹ de ses veysins e de bons gens *C.*

¹⁰ *par* examinacioun *E.*

¹¹ il se *C.* il sey *E.*

year that was, whereas on the said day he had in his brewery sold beer new and old to his neighbours and to strangers ; and wrongfully for this reason, that he [Robert] prayed him debonairely and earnestly for the love of his lord that he would sell him of his beer in return for present and ready payment according to the assize which is provided and established ; but this Ellis neither for prayer nor for admonishment nor yet for present and ready payment would confess that he had beer for sale, new or old, in secret or in public, for gift or sale to his lord or any of his folk, to the lord's damage and shame such that he would not willingly have suffered this damage for 40 s. or the shame for 20 s. by reason of the strangers that were there assembled. If confess etc.

Tort and force and the damage of the lord of 40 s. and the shame of 20 s. and every penny thereof and all that is in the lord's despite, defendeth Ellis, who is here, against the sworn bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him ; and well he showeth thee that on that day which the bailiff surmiseth nor at that hour nor within four days afterwards was any manner of beer, new or old, within his power, in barrel or out, to give or to sell even had one given him ten shillings.^a Again, sir, as to what he surmiseth, that on the same day he sold beer, new and old, to his neighbours and to strangers, privately and publicly, we answer and say right fully that he talketh idly, and we offer thee a besant of gold that lawfully it may be inquired of these good folk of the vill, and if thou findest by good inquest of good folk of the vill that he had beer at that hour or within four days afterwards, at any hour of the said days, beer new or old, to

^a Some MSS. mention far more extravagant sums, e.g. a thousand marks of gold.

oblige en totes ces biens moblez e nent mobles¹ a fere quant que vous vent a pleyser.²

Ideo inquiratur.

De tonue emporte du molin le seigneur.³

- [11] Sire seneschall, Robert par noun⁴ que ci est se pleynt de Willame le Lunge que la est, que la ou il vint teu jour tel heure ou an au molyn le seigneur en W.⁵ pur son ble moudre nomement un quarter de furment e un quarter de segle, e la vint le mouner e bonerement resceust son ble e leument e bien e nettement le molust, quant ily oust en tele manere molu e purement mys en sakes, memes cesti Willame se purpensa de une maweyse sutilite e de un felonesse coyntise⁶ noun pas couenable e celement requilist les sakes deuer⁷ luy e as chiaus les endossa⁸ e priuement saunz multure e tonue doner, sicom fere dust solom le usage e la custome du pays, sen ala; iceo⁹ trespas illukes fit e tel tonue e multure enporta en grant preiudice le seigneur e son despit par unt que le seigneur en ad damage de demi marc e huntage de iiij. s. etc.¹⁰

Defenso

Tort e force¹¹ e quant que est en preiudice le seigneur e en son despit e encountre le usage du pays e les damages le seigneur de demi marc e huntage de iiij. s. e de checun dener, defend W. que ci est encountre le bailliff R. par noun que la est e encountre sa sute e quant que ily mette sur, que unkes teu jour ne tele heure¹² par maweyse coyntise,¹³ felonesse sutilite¹⁴ al molyn le seigneur ne a nul autre molyn celement sen ala issi cest asauer qe il ne paya multure e tonue solom le usage de ceo pays, e que ceo seit verite prest est a fere quant que ceste curt agarde que fere deit.

¹ Om. e nent mobles *E*. ² kaunt ke vous vient apleysir *C*. Add e puis seyt enquis *N*.

³ No heading *X*; Willelmus Longus attachiatus pro tollom' de molendino domini *S* by way of heading. ⁴ le baillif iure *SX*.

⁵ en *B. C.* en *N. N.* ⁶ quoyntyse *C*. quentyse *E*. quontise *N*. qwontise *O*. ⁷ ver *E*.

⁸ *X* (*sim. S*) gives what precedes more briefly thus—quant son ble fu molu e en saks mys memes celi *G*. celement les saks colli e as chiaus endossa. ⁹ e ceo *C*. ¹⁰ parunke ke le seigneur ne voleynt aver eu le damage pur demy marc nel huntage pur iiij. s. Si conustre le

veut beaus nous est si il le dedist etc. *N*. *S* gives concluding formula in full. ¹¹ Tort e nonreson *X. sim. S*. ¹²⁻¹³ Om. *SX*. ¹⁴ mauueyse quoyntise e felnouse sotilte *C*. mauueyse queytise ne felonesse sotiltee *E*.

give or sell, he obligeth himself in all his goods moveable and immoveable to do whatever thou seest fit.

Therefore be this inquired.

Of toll subtracted from the lord's mill.

- [11] Sir steward, the sworn bailiff Robert by name, who is here, complaineth of William Long, who is there, that as he came on such a day at such an hour in such a year to the mill of the lord in W. to grind his corn, to wit, a quarter of wheat and a quarter of rye, the miller came and debonairely received his corn and well and lawfully and skilfully ground it and had put the corn in sacks, whereupon this William bethought himself of an evil trick and a felonious device not permissible, and privily collected the sacks before him and put them on horses' backs and privily made off without giving multure and toll as he ought to have done according to the custom of the country. This trespass did he there and this toll and multure he carried off to the great prejudice of the lord and to his despite so that the lord hath damage of a half-mark and the shame of 4 s. etc.

Tort and force and all that is to the prejudice of the lord and in his despite and against the usage of the country and the lord's damages of a half-mark and shame of 4 s. and every penny thereof, defendeth W[illiam], who is here, against the bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him, that never on such a day and hour by evil device and felonious trick did he go privily from the lord's mill or any other mill in such wise that he paid no multure or toll according to the usage of this country; and [to prove] that this is the truth he is ready to do whatever this court shall award that do he ought.

¹ E vous Willame seiez a une lay oue vostre sime mayn a la procheyne curt. ²

De chace fete ou beste prise en le parke le seignur. ³

[12] Sire seneschall, le parker ⁴ que ci est Johan par noun se pleynt de G. ⁵ de la More, que la ou il vint teu iour tel houre cest an que ore est en le parke le seignur de E. ⁶ pur quere un poleyn que le seignur out par sa lettere demande, la vint meme cely G. e Johan son venour oue ly que amena en sa mayn deus leueres as arkes e as setes, e alerent amount e aual espiaunt ceo que il desirreynt auer; le parker que ci est Johan par noun aperceust que il attererunt ⁷ lur arkes e lur setes detrere ⁸ e lur chiens en dreite manere pur bien coure, se returna uers la vile de E. ⁹ e encountra deus hommes de la vile A. et B. par nouns si les amena oue ly arere en la parke en un certeyn lu qe est appelle H. pur testmoner lur veue e lour oyit e si tost com il furent entrez en le parke e en lu auantdit si virent il bien e oyerent les auantdiz G. e Johan chasaunt e pursuant de lur leuereres un deym, ¹⁰ que meme cesti G. de une sete barble longe e ¹¹ que ci est en present le berra ¹² tut outre par my les flaunkes dount sa playe fut apparaunce de une part e de autre, e enpursuant cel deym de lur leuereres le pristerent e escorcerent e puis le apporterent en une sikette ¹³ e la le mousterent ¹⁴ e des branches de suboys le couererent e de illukes priuement sen alerunt e hors de parke sen isserent; quant il furent issuz les comensa a resoner, e dit — ‘Beus amys G. vous auez mult grant folie fet ore e par memes ¹⁵ en ceo parke e par aenture plus souent’ :—ely ¹⁶ ne respondit taunt ne quant, e le parker returna e prist oue ly

¹⁻² E donkes dit le seneschal, Beaus amys ceste curt agarde ke vous li agagez une ley. Sire volunters. Plegges de la ley. *X (sim. S)*. ³ Encoupe-
ment de veneison en parke occis. *N.* Galfridus de More atachiatus est quia
venavit in parco domini cum canibus. *S.* No heading *X.* ⁴ le parker
iuree *EN.* le baillif iure *XS.* ⁵ Geoffrey *E.* Geoffrei *N.* ⁶ *N N. C S.*
⁷ attirerunt *C.* ⁸ de trere *CN.* ⁹ de *N N.* *Om.* de *E. C.* ¹⁰ *Ins.* si
pres *C. sim. N.* ¹¹ une sete barble longe e lee *C.* une sette barbee lunge
e lee *E.* une sete barbelee longe e lee *N.* ¹² bersa *C.* percha *N.* brisa *O.*
¹³ sykette *C.* syket *E.* sikette *N.* ¹⁴ mistrent *CEN.* ¹⁵ aparmemes *E.*
¹⁶ e il *CEN.*

William, be thou at thy law six-handed at the next court.

Of chasing or taking beasts in the lord's park.

- [12] Sir steward, the [sworn] parker, who is here, John by name, complaineth of Geoffrey of the Moor, that whereas he went on such a day at such an hour this year that is in the lord's park of E. to seek a foal which the lord had asked for by letter, came this Geoffrey and John his huntsman with him, who led in his hand two greyhounds with bows and arrows, and they went up hill down dale spying what they would have; and the parker John by name, who is here, perceived that they made ready their bows and arrows and held their hounds in readiness for a run, and he returned to the vill of E. and met two men of the vill A. and B. by name, and he took them with him back to the park to a certain place called H. to testify what they should see and hear; and so soon as they had entered the park and in the place aforesaid they saw well and heard the said G[eoffrey] and John chasing and pursuing with their dogs a buck, which the said G[eoffrey] with an arrow, barbed, long and broad, which is here, shot right through the flanks so that the wound might be seen on one side and the other, and they pursued the buck with their hounds and took and skinned it, and afterwards they carried it to a ditch and there they hid it and covered it with branches of underwood, and thence they went away privily and went out of the park; when they were outside then he [the parker] began to reason with them, and said 'Fair friend G[eoffrey], seemingly thou hast committed a right great folly in this park and peradventure thou hast done it more than once,' and he answered neither this nor that; and the parker returned and took with him the buck and looked for

cel deym la sete quite e la troua,¹ le deym a son seignur presenta e tut le fet ly renouela ; dount atort e encountre reson² en grant preiudice le seignur e son despit entra il encountre la franchise que il ad de par nostre seignur le rey de illukes auer son parke come propre warrenne com en sa chartre est contenu que il ad du rey, que defend sur sa greue forfeture de x. libr.³ que nuli entre⁴ de chacer ou de beste prendre si noun a la volunte se⁵ seignur, dount atort e a damage le seignur de xx. s. ientra⁶ e a huntage de x. s. Si conustre etc.⁷

Defense

Tort e force⁸ e quant que est encountre la forfeture le rey e⁹ preiudice le seignur e en son despit e encountre sa franchise e ses damages de xx. s. e huntage de x. s. e de checun dener, defend G. qe ci est encountre le parker Johan par noun que la est e encountre sa sute e quant que ily mette sur, e bien vous mustre que unkes le parke le seignur celement oue chiens ne as arkes ne a setes entra ne deym ne deyme ne autre beste de sette barble ou galosche¹⁰ ne bersa¹¹ ne escorcha ne en sikette ne aillurs ne mussa.¹²

¹³ Beus amys G., fet le seneschall, ne avowez vous mye ceste sette ; ieo quide¹⁴ que ele fu de vostre mayn trete.

Sire, jeo le desauoue tut outre ke unkes par ma mayn isist de jour ne de nuyt.

G.¹⁵ coment volez vous aquyter de ceo grant trespas.

Sire en totes les maneres que ceste curt agarde que aquyter me deuoreye.

G.¹⁶ ceste curt agard que vous seiez a une lay ove vostre xij.¹⁷ mayn a la procheyne curt etc.¹⁸

¹ e prist cele daume la sete quist e la troua N. cele bisse et quyst le sette e la troua E.

² Ins. e encontre la pees deu N.

³ xl. li. O.

⁴ que nul humme ny entre E. ke nul home y entre N.

⁵ le CN.

⁶ il entra E.

⁷ X (sim. S) gives a much shorter version of this count, omitting all about the witnesses and the interview with the trespassers. It (sim. CENS) lays the lord's shame at 100 shillings.

⁸ Tort e non

resoun S.

⁹ Ins. en EN.

¹⁰ de sete barble ou galoche C. de sete

barbee ne galesche E. de sete barbille ou galesche N.

¹¹ percha N.

¹² e de ce est il prest de sei aquiter en tote les manieres ke ceste curt agarde ke aquiter se deit X. sim S.

¹³ In SX the steward without any

intervening conversation adjudges the defendant to a twelve-handed law.

¹⁴ quid C. qui E. quide N.

¹⁵ Geffroy C. Geffrey EN.

¹⁶ Geffrey EN.

¹⁷ syme E. xij. C. duzsime N.

¹⁸ Add Sire volunteers N.

the arrow and found it, and the buck he presented to his lord and gave him tidings of all that had been done ; so that wrongfully and against reason and to the great prejudice of the lord and in his despite entered [Geoffrey] into the franchise which he [the lord] had from the king, to wit, of having the park for his own proper warren as is contained in the charter that he hath from the king, whereby it is forbidden on pain of [the king's] grave forfeiture of £10 that any do enter to chase or take beasts unless it be by the lord's leave ; and thus wrongfully he entered to the damage of the lord 20 s. and to his shame of 10 s. If confess etc.

Tort and force and all that incurs the king's forfeiture and is to the prejudice of the lord and in his despite and against his franchise and his damages of 20 s. and shame of 10 s. and every penny thereof, defendeth G[eo]ffrey, who is here, against the parker John by name, who is there, and against his suit and all that he surmiseth against him ; and well he sheweth thee that never did he enter the lord's park privily with dogs or with bows or with arrows nor shoot buck or doe or other beast with barbed arrow or Welsh arrow^a nor skin it nor hide it in a ditch or elsewhere.

Fair friend G[eo]ffrey (saith the steward), do you not avow this arrow ? I guess that it was drawn by thy hand.

Sir, I disavow it right out, and never did it issue from my hand by day nor night.

G[eo]ffrey, how wilt thou acquit thyself of this great trespass.

Sir, in all such wise as this court shall award that acquit me I ought.

G[eo]ffrey, this court doth award that thou be at a law twelve-handed at the next court etc.

^a Godefroy gives examples in which *galeste* seems to stand for some kind of arrow, and gives *galesce*, *galesche*, as meaning Gaulish,

French. But in Anglo-French *galesche* seems to mean Welsh. See Roquefort s.v. *galesche*.

De fruit emporte hors del gardyn le seignur.¹

[13] Sire seneschall le baillif R. par noun que ci est se pleynt de Willame de S.² que la est, que il encountre la pees le seignur enveya G.³ son fiz outre les murs nouelement festez e adressez teu jour tel heure cest an que ore est e ly comanda de enporter de checune manere de frut a sa volunte; quant le baillif oyt labbatement⁴ de cel frut⁵ ise merueylla quey ceo poyt estre, e⁶ prestement le gardyn le seignur entra e troua le garcion bien haut sur un arbre costardere⁷ que il out estue al eos⁸ le seignur pur sa bounte; descendre ly fit e ly degaia saunz vileyne fere⁹ e bonerement ly aresona par ky comandement a par quel envey il entra le gardyn le seignur outre les murs de tutes pars bien clos; le garcion ly respondit e dit que Willame son pere que la est enpresent ly comanda le gardyn entrer e as arbres de meillur frut ly ensensa,¹⁰ par unt que le baillif souffrit le garcion que il enporta quant ily out pris en la manere¹¹ que encountre¹² la pees comanda¹³ son fiz tel outrage fere par unt que le seignur en a damage a la mountaunce de vj. s. e huntage de demi marc.¹⁴ Si conustre etc.

Defense

Tort e force¹⁵ e quant que est encountre la pees le seignur e ses damages de vj. s. e huntage de demi marc¹⁶ e de checun denier, defend W. que ci est encountre le baillif R. par noun que la est e encountre sa sute e quant que yly mette sur; e bien vous mustre que unkes son fiz E.¹⁷ que la est teu jour tel heure ne unkes nul jour ne nul heure par son comandement ne par son envey le gardyn entra pur outrage fere ou damage ou nule¹⁸ manere de frut encressaunt ne de hors de gardyn le seignur enporter¹⁹ comanda sicom le baillif ly mette sur.

¹ Will. de C. attachiatus est quia filius suus inventus est in gardino domini S. *by way of heading. No heading X.* ² Willame de la Strete C.

Willame de la Grene N. W. de C. S.

³ T. C. Thomas N. R. S.

⁴ latement C.

⁵⁻⁶ Om. SX. sey meyruilla E. il sen meruella C.

⁷ un arbre costarde E. un arbre costard S.

⁸ oes CENS. us O.

N omits the praises of the tree.

⁹ e ly de gaga saunz autre vileynye

fere C. e ly sacha saunz autre vileyne E. Om. saunz vileyne fere SX.

¹⁰ assensa ESX. ¹¹ Om. par unt . . . manere SX.

¹² kar encountre N.

¹³ dont a tort e a nonresoun e encountre la pees le seignur comanda S.

¹⁴ iiij. s. N. v. s. S.

¹⁵ Tort e nonresoun XS.

¹⁶ iiij. s. N. v. s. S.

¹⁷ T. C. Thomas N.

¹⁸ en nule CE. ne nule N.

¹⁹ For ou

damage . . . emporter read ne nul frut amport' X.

Of fruit carried off from the garden of the lord.

[13] Sir steward, the bailiff R[obert] by name, who is here, complaineth of William of the S[treet], who is there, that against the peace of the lord he sent [Thomas] his son on such a day at such an hour in the year that now is, over the walls newly built and erected and commanded him to carry off of every manner of fruit at his will; and when the bailiff heard the fruit being knocked down, he marvelled who this could be, and at once entered the lord's garden and found the boy right high on a costard tree, which he had cultivated for the lord's use because of its goodness; he made him come down and attached him without doing him any villany, and debonairely asked him by whose commandment and whose sending he entered the lord's garden over walls well closed on all sides, and the boy answered and said that William his father, who is present there, bade him enter the garden and urged him on to the trees with the best fruit; so the bailiff suffered the boy to carry off all that he had taken; and in this wise did he [William], against the peace, bid his son to do this outrage so that the lord has damage to the amount of 6 s. and shame of a half-mark. If confess etc.

Tort and force and all that is against the peace of the lord and his damages of 6 s. and shame of a half-mark and every penny of it defendeth W[illiam], who is here, against the bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him; and well he sheweth thee that never did his son [Thomas], who is there, on such a day at such an hour or on any day or hour at his [William's] bidding or sending enter the garden to do outrage or damage and that never did he bid him carry off out of the garden any manner of fruit there growing as the bailiff surmiseth against him.

Willame, fet le seneschall, aumeyns vous ne poez dedire que il ne est vostre meyn past, ne ke il ne fu degage en le gardyn¹ le seignur pur le utrage e pur le trespas ; coment volez vous memes aquyter que unkes ceo ne ly feistes fere ne comandastes.²

Sire, pur le fet mon fiz e pur le trespas su prest a fere vostre volunte e requer vostre grace, pleges etc.³

Ore coment volez vous memes aquyter e del enveye e del comandement.

Sire par quant que ceste curt agarde que aquyter me dey.

Jeo vous die bien que ceste curt agarde que vous seiez a une lay oue sime etc.⁴

De pessun en le viuer le seignur prise.⁵

- [14] Sire seneschall, le baillif R. par noun que ci est se pleynt de Wauter de la More⁶ que la est, que il encountre⁷ la pees le seignur vient tele nuyt tel an a heure de my nuyt e entra le viuer le seignur que de bon mur fut clos enviroun e de checun manere de pessoun de euwe duze enprist a sa volunte ; quant il out pris ceo que beu ly fut celement les murs passa e le pessoun oue ly enporta e en fit sa largesse e de ceo se en vaunta,⁸ dount le viuer est enpeyre a la mountaunce de demi marc a damage le seignur de xx. s.⁹ Si conustre etc.

Defense

Tort e force¹⁰ e quant que est encountre¹¹ la pees le seignur e le enpirement de son viuer de demi marc e les damages de xx. s. e le huntage de xx. s.¹² e checun denier,

¹ degagee en le gardeyn *E.* deage e en le gardin *S.* deage e le gardin *X.*

² acquiter de cest trespas meymes del envoye e del comandement *N.*

³ Willam trouez pleges *E.* *X ends this case here. S ends it thus :—*Sire fet W. le fet mon fiz sui prest defere vostre talent solum mon poer. Trouez nos pleges de la merci. Sire volunteers.

⁴ od vostre sime mayn de vous aquyter a la procheine curt etc. *C.* *Add Sire volunteers E.* ⁵ Willame de la More attachiatus est eo quod cepit pisces in vivario domini. *S by way of heading. No heading X.* ⁶ Water Modi *N.* ⁷ *Ins.* la pes deu e *N. sim. S.*

⁸ e en fit sey large e de ceo sey auanta *E.* e se fist larges a aukune genz e comment il le [les *S.*] out se auanta *X. sim. S.* ⁹ *Ins.* e hountage de x. souz *C.* e le huntage de demy marc *X.* e le hontage de un marc *S.* ¹⁰ Tort e non resoun *S.* ¹¹ *Ins.* la pes deu e *N.*

¹² hounte x. s. *C.* hontage de un marc *S.*

William (saith the steward), at least thou canst not deny that he is thy mainpast, nor that he was attached in the lord's garden for the outrage and for the trespass; how wilt thou acquit thyself that thou didst not make or bid him do this?

Sir, for the deed of my son and the trespass I am ready to do thy will, and I ask thy favour. My pledges are etc.

But how wilt thou acquit thyself of the sending and bidding?

In such wise, sir, as this court shall award that acquit myself I ought.

I tell thee then that this court awardeth that thou be at thy law six-handed at the next court.

That will I, sir.

Of fish taken in the lord's pond.

- [14] Sir steward, the bailiff R[obert] by name, who is here, complaineth of Walter of the Moor, who is there, that against the peace of the lord he came on such a night in such a year, at the hour of midnight, and entered the preserve of the lord, which was shut round with a good wall, and carried off at his will of every kind of fresh-water fish; and when he had taken what he listed he privily crossed the wall and carried the fish with him and made gifts of it^a and boasted of this; whereby the preserve is deteriorated to the amount of a half-mark and to the damage of the lord 20 s. [and shame of a half-mark]. If confess etc.

Tort and force and all that is against the peace and the deterioration of the preserve to the amount of a half-mark and the damages of 20 s. and the shame of 20 s. and every

^a As to the meaning of the French phrase, see below, pl. 35.

defend Wauter que ci est encountre le baillif R. par noun que la est e encountre sa sute e quant que yli mette sur ; e bien vous mustre que unkes le viuer le seignur nutantre ne de cler jour entra ne nule manere de pesson¹ ne enporta sicom le baillif ly mette sur.

Coment volez vous aquyter.

Sire, fet son countour, il durra au seignur un demy marc par unt que ceo seit enquys ententiuement² par les meillurs genz³ de la vile etc.⁴

De estuble enporte hors de champ le seignur.⁵

- [15] Sire seneschall, le baillif R. que ci est se pleynt de Willam le Lorimer,⁶ que la est que il encountre⁷ la pees le seignur e vostre commune defense teu jour tel houre ou an que fu enueya deus de ces hommes Johan e T.⁸ en le champ de E. en un certeyn lu que est appelle B. e le estuble de cel lu comanda a faucher, de quel estuble le prouost le seignur soleit fere couerir la grange le seignur e la charpenterie a la dayer⁹ que ore par encheson de cel estuble par son comandement fauche e enporte sunt descouers a son damage¹⁰ de xl. s. e huntage de xx. s. Si conustre le veut etc.

Defense

Tort e force¹¹ e quant que est encountre la pees le seignur e vostre commune defense e ses damages de xl. s. e huntage de xx. s. e de checun denier, defend Willame que ci est encountre le baillif R. par noun que la est e encountre sa sute e quant que ily mette sur ; e a ceo que il dit que il enueya J. e T. en cel lu certeyn e le estuble faucher e enporter comanda, r sponoms e diomus tut outre que unkes tele gent par son envey ne par son comandement le estuble

¹ *Ins.* de ewe douce X. *sim.* NS.

seit enquys.

³ par bone genz XS.

² leament N, and then—E puis

Volunters fet le seneschal. Et ideo inquiratur S.

⁴ *Add* Ideo inquiratur C.

attachiatus est quia famuli sui messerunt stipulam domini contra defensum

S by way of heading. No heading X.

⁵ Will. le Lorimer

⁷ *Ins.* la pes deu e S.

⁸ Johan e Thomas N. envoya ij. desagent

J. e T. S.

⁹ e la carpentarie e la dayerie C. sa charpenterie e sa

bouerie N. Om. a la dayer X.

¹⁰ al damage le seigneur X. *sim.* ES.

¹¹ Tort e nonreson X *sim.* S.

penny thereof, defendeth Walter, who is here, against the bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him; and well he showeth thee that never did he enter the lord's preserve by night nor day nor carry off any manner of fish, as the bailiff surmiseth against him.

How wilt thou acquit thyself?

Sir, saith his pleader, he will give the lord a half-mark that this may be earnestly inquired of by the best folk of the vill etc.

Of stubble carried from the lord's field.

[15] Sir steward, the bailiff R[obert] by name, who is here, complaineth of William Lorimer, who is there, that against the peace of the lord and thy general prohibition, on such a day at such an hour in the year that was, he sent two of his men John and T[homas] to the field of E. in a certain place called B. and commanded them to mow the stubble of that place, with which stubble the lord's reeve was wont to cover the lord's barn and carpentry and dairy, which now by reason of the stubble having been so mown and carried off by his command are uncovered, to the damage of the lord 40 s. and shame 20 s. If confess he will etc.

Tort and force and all that is against the lord's peace and thy general prohibition and his damages of 40 s. and shame of 20 s. and every penny thereof, defendeth William, who is here, against the bailiff R[obert] by name, who is there, and against his suit and all that he surmiseth against him; and as to what he says about his sending J[ohn] and T[homas] to the said place and bidding them mow and carry off the stubble, we answer and say outright that never did such persons by his sending or bidding cut the stubble

cf. Glouc. Const. III, 2

de cel lu sierent ne de meme le lu enporterent; e que ceo seït verite si mette il en la jurre de la vile.¹

Ideo inquiratur.

De herbe fauche a tort en le pre le seignur.²

[16] Sire seneschall, le baillif R. que ci est se pleynt de Wauter Coket³ que la est, que atort e encountre⁴ la pees le seignur e la vostre que auez la peez etc. e encountre vostre commune defense teu jour tel heure ou an en este⁵ enveya une sa garce Juliane⁶ par noun en le pre le seignur nomenent en un certeyn lu que est appelle Comede⁷ pur faucher herbe en tel lu e del enporter le, quel herbe soleit checun an estre fauche e aturne⁸ al oes le⁹ palefrey le seignur pur sa frechete¹⁰ de unt atort e encountre dreyture¹¹ e encountre la pees le seignur¹² e vostre commune defense¹³ par unt que le seignur en ad damage al mountaunce de un marc e huntage de demi marc. Si conustre etc.¹⁴

Defense

Tort e force¹⁵ e quant que est encountre la pees le seignur e vostre commune defense e les damages le seignur de un demi marc¹⁶ e de checun denier defend Wauter¹⁷ que ci est encountre le baillif R. que la est e encountre sa sute e quant que ily mette sur; e prest est de ly aquyter en tutes les maneres que ceste curt agarde que aquyter se deit¹⁸ ke unkes nule sa garce Juliane par noun¹⁹ en le pre le seignur nomenent que est appelle Comade²⁰ pur herbe faucher²¹ enveya ne herbe enporter comanda.

Beus amys Wauter,²² fet le seneschall, ceste curt agarde que vus seiez a une lay oue vostre sime²³ mayn²⁴ etc.²⁵

¹ *Ins.* e de bien e de mal *N.* ² *Walterus Corbet attachiatus est quia ancilla sua falcavit pratum domini contra defensum S by way of heading. No heading X.* ³ *Water Corbet N. W. Corbet S.* ⁴ *Ins.* la pes deu e *N.* ⁵ *Om.* en este *E.* ⁶ sun garcoun Johan *E.* sa meschine Giliane *N.* ⁷ *Coumede C. Hamme E. Lundemedede N. apele A. XS.* ⁸ estre estue e fauche *N.* estre estue iekes a tele seson de an *X. sim. S.* ⁹ *Om.* le *A.* ¹⁰ sa bounte *X.* sa frescheste e sa bountee *E.* ¹¹ a tort e a nonreson *X. sim. S.* ¹²⁻¹³ *Om. SX.* ¹⁴ *NS continue the formula.* ¹⁵ Tort e non reson *X. sim. S.* ¹⁶ *Ins.* et huntage de un demi marc *N. sim. S.* ¹⁷ *Willame N erroneously.* ¹⁸ *X has no more of this paragraph.* ¹⁹ sun garcoun *E.* sa meschine Giliane *N.* cel garcoun *O.* ²⁰ *Coumede C. Hamme E. Lundemedede N. C. S.* ²¹ *Ins.* ne *CN.* ²² *Willame N.* ²³ *vj^{me} X. syne E. sisime S.* ²⁴ *Add a la procheine curt de vous aquiter C.* ²⁵ *At this point S. has a marginal note*
—Explicit officium senescalli et incipit secunda pars.

of that place nor carry it thence ; and that this is the truth he puts himself on the jury of the vill.

Therefore be this inquired.

Of grass wrongfully mown in the lord's meadow.

[16] Sir steward, the bailiff R[obert], who is here, complaineth of Walter Coket, who is there, that wrongfully and against the peace of the lord and of thee who art charged etc. and against thy general prohibition on such a day and hour in such a year, he sent his girl Juliana by name to a certain place called Cowmead to mow the grass in that place and carry it off, which grass is wont to be cut each year and devoted on account of its freshness to the use of the lord's palfrey, and this wrongfully and against right and against the lord's peace and thy general prohibition, whereby the lord has damage to the amount of a mark and shame a half-mark. If confess etc.

Tort and force and all that is against the lord's peace and thy general prohibition and the lord's damages of [a mark and shame of] a half-mark and every penny thereof, defendeth Walter, who is here, against the bailiff R[obert], who is there, and against his suit and all that he surmiseth against him ; and ready is he to acquit himself in all such wise as this court shall award that acquit himself he ought that never did he send his girl Juliana by name into the lord's meadow, namely that called Cowmead, nor command her to mow the grass or carry it off.

Fair friend Walter (saith the steward), this court awardeth that thou be at thy law six-handed, etc.

¹ De marchandise desturbe.²

[17] Sire *seneschall*, Willame³ de Wodestoke que ci est se pleynt de R.⁴ le Pestour que la est que il atort ly supplanta de un tonel de vyn de une marchande⁵ de Somertone,⁶ Bernard Taneys⁷ par noun, que il achata de luy pur xxxvj. s.⁸ e que dona⁹ e que plegges troua pur leument payer le auandit auer a un certeyn jour saunz checun delay; la vint meme cely Robert en le despit W. que ci est e taunt de mal e taunt de vileyne¹⁰ procura¹¹ de ly al marchaunt e sa besoigne demeyne gayta e bargayna¹² que le marchaunt ly crut¹³ meme le tonel pur xl. s. dekes a un certeyn jour¹⁴ e issi encherist il la vente de iiij. s.¹⁵; cesti Willame si alowa une charette a iiij. chiuas pur demi marc pur carier lavaunt dite tonel a S.¹⁶ a sa meson demeyne a Wostoke¹⁷; quant il vint a S.¹⁸ il troua le marchaunt pur les diz que Robert ly out counte en autre corage, que il ne ly lessa e tut outre ly dit que taunt de mal il oy de ly parler que il ne ly freit nule creaunce; e en tel manere returna de cel port oue sa charette que il out alowe tut voyde com il la mena, e pleynement e nent le plus tart¹⁹ le couenant a charette rendit; dount a tort e saunz reson taunt de mal de ly parla e procura a son damage de xl. s.²⁰ e huntage de c. s. Si conustre etc.

Defense

Tort e force e quant que a tort appent defend R. que ci est encountre Willam de Wodestoke que la est e ses damages de xl. s. e huntage de c. s. e de checun denier e encountre ly e encountre sa sute e quant que yli mette sur; e bien vous mustre ke unkes de lauand dite tonel ne ly supplanta en dit ne en fet ne le vente encherist de iiij. s.²¹ ou de akun denier sicum ily mette sur; e de ceo est il prest de

¹ *This case is not in SX.* ² Encouplement quant hum supplante un autre de sa marchandise. *E.* Encouplement de la supplantation de un tonel de vin. *N.* Quant home se pleynt de sa marchaundise. *O.* ³ *Ins.* le Vineter *N.* ⁴ Robert *N.* ⁵ un marchaund *E.* ⁶ Suthamtone *EN.* Somertone *C.* ⁷ A. de B. *E.* Bernard Taneys *C.* Bernard Toteneis *N.* ⁸ xxx. s. *E.* ⁹ e hernes dona *E.* e ernes dona *N.* ¹⁰ vilaynie *N.* vyleynye *O.* ¹¹ parla *EN.* ¹² *Om.* gayta e *E.* geyta *C.* avancha e bargaina *N.* ¹³ marchaund encreust *E.* ¹⁴ *Ins.* achata *N.* ¹⁵ par x. souz *C.* ¹⁶ tonel de Suthamtone *E.* tonel a Suhamtone *C.* ¹⁷ Wodestoke *CN.* ¹⁸ Stopham *CO.* Suthampton *N.* ¹⁹ e pleynement iartardeys *E.* ²⁰ x. li. *E.* ²¹ x. souz *E.*

Of disturbing a bargain.

[17] Sir steward, William [Vintner] of Woodstock, who is here, complaineth of R[obert] Baker, who is there, that wrongfully he supplanted him of a ton of wine of a merchant of Southampton, Bernard Taney's by name, which he [the plaintiff] bought of him [Bernard] for 36 s. and gave [earnest] and found pledges to duly pay the said sum on a certain day without any delay; this done, came the said Robert and in despite of W[illiam], who is here, spake so much ill and villany of him to the merchant and drove his own bargain so that the merchant increased the price of the ton to 40 s. payable at a certain day, and thus did he [Robert] raise the price by 4 s.; and the said William hired a cart with four horses for a half-mark to carry the ton from Southampton to his house at Woodstock; and when he came to Southampton he found that owing to what Robert had said the merchant was now of another mind, that he would not let him [have the wine] and told him right out that he heard tell so much evil of him that he would give him no credit; and so [William] returned from the port with the cart that he had hired as empty as when he took it thither, and none the less had to pay for its hire on the day fixed for payment; so that wrongfully and without reason did he [Robert] speak evil of and procure evil for him [William] to his damage of 40 s. and shame of 100 s. If confess etc.

Tort and force and all that to tort belongeth, defendeth R[obert], who is here, against William of Woodstock, who is there, and his damages of 40 s. and shame of 100 s. and every penny of it, both against him and against his suit and all that he surmiseth against him; and well he sheweth thee that never did he supplant him of the said ton or raise the price against him by 4 s. or any penny as he surmiseth;

sey aquyter en totes les maners que ceste curt agarde que aquyter se deit.

Beus amys Robert, fit le seneschall, ceste curte agarde que vus seiez a une lay oue vostre syme mayn a la prochein¹ etc.

² De bestes pestes en le pre le seignur.

[18] Sire seneschall, Johan le Messer que ci est se pleynt de Wauter Modi que la est, que il encountre³ la pees le seignur e vostre commune defense celement⁴ ou an que fu⁵ pessant herbe en le pre de C. oue ses bestes⁶ e vaches atort e en despit le seignur; e pur ceo atort, que la ou il ad suffisaunte pasture en la commune de a taunt⁷ de bestes e de animalz com il ad e com il appent de auer solom le franc tenement que il tent de ly en meme la vile, dount atort pessount lauandite herbe au damage le seignur de demi marc e huntage de v. s. Si conustre le veut, beu ly est, si le dedit, atort le dedit, kar veiz ci sute bone A. e B. que ensemblement oue ly furunt quant il les bestes prendre voleit pur le auandite trespas Wauter ne ly suffrit les auanditz bestes prendre einz ly deneya tut outre etc.

Tort e force defend Wauter Mody que ci est e quant que est encountre⁸ la pees le seignur e vostre commune defense e prest est de ly aquyter en totes les maneres que ceste curt agarde que aquyter se deit que unkes lauandite herbe ne pessout.

Sire, le Messer demande si Wauter avoue ceo que son countour ad dit pur ly.

E Wauter respondit ke oyl.

E donc dit le Messer, Sire auis nus est que il nest pas respondu couenablement solom le usage de ceste curt, kar il defailli entaunt que il ne dit mye⁹ encountre sa sute¹⁰ ne les damages le seignur ne le huntage ne la violence¹¹ fet au

¹ a la prochein curt etc. C. Add de vous acquiter ke etc. N. ² This case is not in SX. ³ Ins. la pes deu e E. ⁴ tel nuyt C. ⁵ Ins. ly troua E. ⁶ boefs CN. ⁷ commune de C. a taunt E. en la commune de N. a tant N. en la commune de vacaunt de bestes C. ⁸ Ins. la pes deu e N. ⁹⁻¹⁰ encountre le messer e encountre sa sute E. sim. CN. ¹¹ volunte NO.

and of this he is ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friend Robert (saith the steward), this court awardeth that thou be at a law six-handed at the next [court] etc.

Of beasts pastured in the lord's meadow.

[18] Sir steward, John Hayward, who is here, complaineth of Walter Moody, who is there, that against the peace of the lord and thy general prohibition [on such a day at such an hour in such] a year found he him pasturing the grass in the meadow of C. with his beasts and cows wrongfully and in the lord's despite, and wrongfully because he hath sufficient pasture in the common for as many beasts and animals as he hath and ought to have according to the free tenement which he holds of him [the lord] in the same vill ; so wrongfully did he depasture the said grass to the damage of the lord a half-mark and shame 5 s. If confess he will, well and good ; if he denieth, wrongfully he denieth, for lo here is good suit A. and B. who were with him [John] when he tried to take the beasts on account of the said trespass and Walter would not suffer him to take them but refused outright etc.

Tort and force defendeth Walter Moody, who is here, and all that is against the peace of the lord and thy general prohibition, and ready is he to acquit himself in all such wise as this court shall award that acquit himself he ought that never did he depasture the said grass.

Sir (asketh the Hayward), do thou ask whether Walter will avow what his pleader hath said on his behalf.

And Walter answereth, Yea.

Sir (then saith the Hayward), we are advised that he hath not answered fittingly according to the usage of this court, for he hath failed, insomuch that he hath not said ' against his suit ' nor denied the damages of the lord nor the shame

messer ; *par* unt nus demandoms vos agardz e vos jugemenz¹ de ly com noun defendu.²

Beus amys Wauter, auez entendu ceo que il vous dit.

Sire, oyl.

Sauez vous autre chose dire par response.

Sire, auis nus est que nus ly auomus respondu suffisamment, e de ceo metums nus bien en lagarde de ceste curt e en vos jugemenz.

Wauter, fet le *seneschall*, vous auez respondu meynz suffisamment que fere ne dussez solom le usage de ceste curt *par* la reson que vous dussez auer defendu encountre le messer e encountre sa sute e vous ne defendistis mye les damages le seignur ne le huntage ne le despit fet au messer com fere dussez ; ³e desicom vous estes acoupe sur ces poynz les queus poynz vous ne avez mye defendu,⁴ si agarde ceste curt que vous seiez en la mercy le seignur e que vous amendez le trespas uers le messer *pur* ceo ke vous ne suffrites prendre les auantditest bestes come fere dussez.

⁵ De bestes troue en les blez le seignur.

[19] Sire *seneschall*, Johan le Messer que ci est se pleynt de Jordan de la Forde⁶ que la est, que la ou il ala ten jour tel heure ou an que fu environaunt les champ au com⁷ profit le seignur e de ces bone genz com a son mestier appent, la troua il la jumentte meme cely Jordan en les aueynes le seignur e si vileymment les out defute que le seignur en ad damage de v. s. e huntage de ij. s.⁸

Defense

Tort e force defend Jordan que ci est e les damages le seignur de v. s. e huntage de ij. s. e de checun denier encountre Johan le Messer que la est e encountre sa sute e bien vous montre que unkes traua⁹ il sa jumentte¹⁰ en les aueynes le seignur *par* unt que le seignur out damage ou

¹⁻² *Om. NO. not in SX.*

⁶ Willam de la Forge *E.*
⁹ trova *C.*

³⁻⁴ sicum vous estes chalangee *E.*

⁷ al comun *E.*

⁸ *Add* si conustre etc. *C.* si conustre le veut etc. *N.*
¹⁰ sa jumentte trouee ne fu par Johan le Messer *E.*

⁵ *This case is*

⁷ al comun *E.*

nor the violence done to the Hayward ; wherefore we demand your awards and your judgments of him as of one undefended.

Fair friend Walter, hast heard what he saith ?

Yea, sir.

Hast aught else to say by way of answer ?

Sir, we are advised that we have answered him sufficiently, and of this we put ourselves on the award of this court and your judgments.

Walter (saith the steward), thou hast answered less sufficiently than thou oughtest according to the usage of this court, for thou shouldest have defended ‘against the Hayward and against his suit,’ and thou didst not defend as thou oughtest the damages of the lord nor his shame nor the despite done to the Hayward ; and whereas thou art accused on these points and hast not defended them, this court doth award that thou be in the lord’s mercy and do make amends for the trespass against the Hayward in that thou didst not suffer him to take the said beasts as thou oughtest to have done.

Of beasts found in the lord’s corn.

[19] Sir steward, John the Hayward, who is here, complaineth of Jordan of the Ford, who is there, that as he went on such a day, hour, year, round about the fields to the common profit of the lord and his good folk as belongeth to his business, he found the mare of the said John in the lord’s oats, and so vilely had she trodden them down that the lord had damage of 5 s. and shame of 2 s.

Tort and force defendeth Jordan, who is here, and the lord’s damages of 5 s. and shame of 2 s., and every penny thereof against John the Hayward, who is there, and against his suit, and well he showeth thee that never did he find his mare in the lord’s oats whereby the lord had damage or

huntage sicom ily mette sur ; e de ceo est il prest de sey aquyter en totes les maneres que ceste curt agarde que aquyter se deit.

Ideo ad legem.¹

De arbres coupes en le boys lè seignur.

[20] Sire seneschall, le Forester² que ci est Thomas de B. par noun se pleynt de Wauter de la Croiz³ que la est, que la ou il vint teu jour tel heure cest an que fu en le seueral boys le seignur de ceste vile de N. pur choces que ly soucla⁴ que leynz furent,⁵ la troua il meme cely Wauter coupaunt une cheyne ou nul dreit ne auoyt de cheyne prendre ou couper ; le forester⁶ ly aresona e demanda par ky counge il coupa cel cheyne ; e ily respondit e dit que ben ly lust⁷ cele cheyne couper⁸ ou autre merine⁹ illukes prendre ausi com de la commune que est appartenant a son franc tenement ; le forester ly respondit e dit que ceo fu le seueral boys le seignur e ly demanda gage ; e il ne¹⁰ ly suffrit de gager¹¹ ; le forester luy defendist de par le seignur que il cessast de cele cheyne couper e ke il ne fu issi hardi hors de illukes carier se il ne fut par vostre counge¹² ; il ne lessera¹³ pas pur ceo que il ne la coupa¹⁴ a force e encountre la pees le seignur e vostre commune defense a damage le seignur de un marc e huntage de demi marc.¹⁵ Si conustre etc.

Defense

Tort e force¹⁶ e quant que est encountre la pees le seignur e ses damages¹⁷ de un marc e huntage de demi marc e de checun denier defend Wauter de la Croiz que ci est encountre T. de B.¹⁸ que la est e encountre sa sute e quant que yly mette sur ; e bien vous mustre ke unkes cheyne ne nul autre arbre en le seueral¹⁹ boys le seignur coupa ne

¹ *Ins.* suam sexta manu C. E puis seyt a sa lay N. ² le Messer SX. le forester ke ci est Thomas de Bayngrave N. ³ Water Cresse N. ⁴ que il soucha CE. qil soucha S. ⁵ que leynz fu celement fete E. pur chose kil entendist ke leinz fu celement fete N. ⁶ le Messir X. *sim.* S. ⁷ ben li list C. bien luy plust N. bin li plut X. ⁸⁻⁹ e autres menues veyes S. ¹⁰⁻¹¹ ne vousyst suffrir ly de gager E. ¹² Om. le forester ly repondit e dit . . . counge XS. ¹³ lessa E. ¹⁴ quil ne caria ce keime a son hostel a tort e a non [resun] e od la mein overe S. ¹⁵ S. *omits the allegation of damage.* ¹⁶ Tort e non reson X. *sim.* S. ¹⁷ les damages le seignur X. *sim.* S. les damages e les defens le seignur E. ¹⁸ le messer not T. de B. S. ¹⁹ general N.

shame as he surmiseth against him ; and of this is he ready to acquit himself in all such wise as this court shall award that acquit himself he ought.

Therefore to a law.

Of trees cut in the lord's wood.

[20] Sir steward, the Forester, who is here, Thomas of B[ayngrave] by name, complaineth of Walter of the Cross, who is there, that as he came on such a day and hour in this year that was into the several wood of the lord of this vill of N. concerning something which he understood to be privily done therein, there found he the said Walter cutting an oak where he had no right to take or cut oak ; and the Forester took him to account and asked him by whose leave he was cutting that oak ; and he answered and said that it was quite lawful for him to cut that oak there or take other timber thence as of the common which is appurtenant to his free tenement ; and the Forester answered and said that this was the several wood of the lord and demanded gage, and he would not suffer him to take gage ; and the Forester enjoined him in the lord's name to cease cutting that oak, and not to be so bold as to carry it thence, unless it were by thy leave ; but he ceased not for this but went on cutting it with force and against the lord's peace and thy general prohibition, to the lord's damage of a mark and shame of a half-mark. If confess etc.

Tort and force and all that is against the lord's peace and [the lord's] damages of a mark and shame of a half-mark and every penny thereof, defendeth Walter of the Cross, who is here, against T[homas] of B[ayngrave], who is there, and against his suit and all that he surmiseth against him ; and well he showeth thee that never did he cut oak or other tree in the several wood of the lord nor carry it

ullukes caria sicom le forester ly mette sur ; e de ceo vus prie il e requert ententiuement de vostre office par lele enqueste de bone genz seit enquis.

Wauter, fet le seneschall, quey durrez vous¹ pur auer bone enqueste.

Sire, il durra demi marc.²

De verges trenches en le boys le seignur.

- [21] Sire seneschall, le Forester que ci est T. de W.³ se pleint de Nichol de la More que la est, que la ou yl ala teu jour tel houre cest an que fu en la foreste de R.⁴ en un certeyn⁵ lu que est appelle N. la troua il memes cesti Nichol coupaunt verges de coudre e auoyt coupe a la mountaunce de la summe de un chiual ; le forester ly pria que il sen alast saunz plus de outrage fere ; Nichol ly respondi e dit que il soleyt e deueit illukes verges prendre taunt com mestier ly sereit a ses cleys⁶ dount fere une faude a ses berbiz ; le forester ly defendit de part le seignur e de part vus que il ne les remuast de cele place partye ou tut de cele verges en tele manere trenches sil ne fut par vostre counge ; meme cesti Nichol ne lessa pas pur ceo que il ne les endossa a un chiual e de cele place a sa meson demeyne les caria atort⁷ e encountre⁸ la pees le seignur ; par unt que le seignur en ad perte e damage a la mountaunce de xx. s. e huntage de x. s. Si conustre etc.⁹

Defense

Tort e force¹⁰ e quant que est encountre¹¹ la pees le seignur e ses damages de xx. s. e huntage de x. s. e de checun denier defend Nichol que ci est encountre Thomas le Forester que la est e encountre sa sute e quant que ily mette sur ; e bien vous mustre que tuz ces auncestres auant ly furent en saysine de prendre illukes en cel forest verges

¹ Ins. al seignur N. al seignor S. ² Add Ideo inquiratur C. E puis seyt enquis N. ³ T. de B. C. Thomas par noun N. ⁴ foreste de Arundel N. ⁵ certeynt A. ⁶ vj. cleyes X. sim. ENOS. ⁷ Ins. e a non reisoun S. ⁸ Ins. la pes deu e N. ⁹ S continues the usual formula. ¹⁰ Tort e non reson X. sim. S. ¹¹ Ins. la pes deu e N.

thence as the Forester surmiseth against him ; and this he prayeth and requests thee earnestly may be inquired of thy office by lawful inquest of good folk.

Walter (saith the steward), what will thou give [the lord] to have a good inquest ?

Sir, he will give a half-mark.

Of sticks cut in the lord's wood.

[21] Sir steward, the Forester, who is here, T[homas] of B[ayngrave], complaineth of Nicholas of the Moor, who is there, that as he went on such a day and hour this year that was in the forest of [Arundel] in a certain place which is called N. he found this Nicholas cutting hazel-sticks and he had cut to the amount of a horse-load ; and the Forester prayed him to depart without doing further outrage ; and Nicholas answered him and said that he was wont and ought to cut there sticks as many as need were for making [six] hurdles as a fold for his sheep ; and the Forester bade him in the lord's name and in thy name not to remove from that place all or any of the sticks thus cut unless it were by thy leave ; but the said Nicholas ceased not for that but put them on the back of a horse and carried them thence to his house, wrongfully and against the lord's peace, whereby the lord hath loss and damage to the amount of 20 s. and shame of 10 s. If confess etc.

Tort and force and all that is against the lord's peace and his damage of 20 s. and shame of 10 s. and every penny thereof, defendeth Nicholas, who is here, against Thomas the Forester, who is there, and against his suit and all that he surmiseth against him ; and well he showeth thee that all his ancestors before him were in seisin of taking thence

taunt com mestier serroyt¹ dount une faude fere a lur berbiz en meme la vile de N.²

Lessez nus ver cel feffement.

Sire, volunters.

Beus amys N., nus trouomus en ceste chartre de feffement que vus mettez auant pur resuns e³ quant que vous auez dit fors pris ceo que vous devez verges prendre par veue del forester⁴ e desicom vous auez reconu en ceste curt que vous ne preistes celes verges en la forest le seignur par veue de le forester ne par son assignement si agard ceste curt que vous seiez en la mercy⁵ le seignur, plegges, etc.

De deuises le seignur trenches e amenuses.⁶

[22] Sire seneschall, Richard de Aston⁷ que ci est se pleynt de Nichol de Boys⁸ que la est, que il encountre⁹ la pees le seignur teu jour tel heure cest an que fu, que com il aueient une deuise entre les terres celi Richard e Nichol la vient meme cesti Nichol e cele deuise atort trencha e amenusa¹⁰ la quele deuise ne deit estre trencha par dreit ne amenuse saunz le assentement des parties; e ceo tort e ceo trespas ly fit a ses damages de xx. s. etc.¹¹

Defense

Tort e force¹² e la pees le seignur enfreynte e les damages Richard de Astone de xx. s. e le huntage de x. s. e de checun denier defend Nichol que ci est encountre Richard que la est e encountre sa sute e quant que ily mette sur e bien reconust

¹ *Ins.* a vj. cleyes X. *sim.* ENS. ² *Add* Veez cy le feffement de les auncestres le seignur que fefferent les auncestres meme cely etc. *E.* kaunt il averunt mester e ke ceo seit verite veez cy le feffement dunt les auncestres le seignur fefferent les auncestres meme cesti Nicol C. *sim.* NS. ³ pur respuns C.

⁴ *For* pur resuns . . . forester *read* pur vos fors que vos deviez prendre verges par veue de forester S; pur vus ke vos y deuez uerges prendre sicom vous dites mes non pas sanz veue de forester X. ⁵ *Ins.* pur ce ke vous ne les preistes mye en veue de forester X. *sim.* S.

⁶ De deuise le seignur trenchez. C. Encouplement de deuises trenches *E.* Encouplement de devise a tort trencha N. *No heading* SX. ⁷ V. de C. X. ⁸ J. de P. X. Johan de Boys *E.* In N Nichol du Boys is plaintiff, Richard de Astone defendant. In S Willame is plaintiff, J. defendant. ⁹ *Ins.* la pes deu e N. ¹⁰ e la menuser X. ¹¹ CN lay the shame at twenty shillings, S at a half-mark. CNS give the concluding formula or part of it. ¹² Tort e nonreson X.

in this forest sticks as many as were needful to make a fold for their sheep in the said vill of N. See here the feoffment of the ancestors of the lord who enfeoffed the ancestors of this same [Nicholas] etc.^a

Let us see this feoffment.

Willingly, sir.

Fair friend N[icholas], we find in this charter of feoffment which thou putttest forward by way of answer all that thou sayest save that thou shouldest take the sticks by view of the Forester, and whereas thou hast confessed in this court that thou didst not take these sticks in the lord's forest by view of the Forester nor by his assignment, this court doth award that thou be in the lord's mercy. Pledges etc.

Charge of cutting boundaries.

[22] Sir steward, Richard of Ashton, who is here, complaineth of Nicholas of the Wood, who is there, that against the lord's peace on such a day at such an hour this year that was, whereas there was an ancient boundary between the lands of the said Richard and Nicholas, came the said Nicholas and wrongfully cut and diminished the said boundary, which by right ought not to be cut or diminished without the consent of the parties ; and this tort and trespass he did against him, to his damages of 20 s. etc.

Tort and force and any breach of the lord's peace and the damages of Richard of Ashton of 20 s. and the shame of 10 s. and every penny thereof, defendeth Nicholas, who is here, against Richard, who is there, and against his suit and all that he surmiseth against him, and well he confesseth

^a This last sentence is not in all MSS.

cel trenche e la quantite ¹ de lauandite deuise ² e meme le fet e bien le auowe il come cele que crest sur sa propre tere e ne mye sur la terre *Richard* ne de rien appartenant a sa terre ne a sa deuise ³; e bien vous mustre que bien ly lust trencher cele quantite e uncore cele que est remise ⁴ a sa volunte; e que ceo seit verite prest sumus de auerer.⁵

Ideo inquiratur.

E lenqueste passa meme le jour pur *Nichol* e pur ceo fut agard que *Richard* agagast la mercy uers le seignur, e que il feit les amendes uers *Nichol* pur sa fause pleynte.

De bestes occis ou ferues.⁶

[23] Sire seneschall, *Robert le Seriaunt de P.*⁷ que ci est se pleynt de *B. de G.*⁸ que la est, par la reson que le porcher le seignur *Richard* par noun com il tent les pors le seignur en le champ de *P.*⁹ en la pees deu e en la pees le seignur, la vient meme cely *B.*¹⁰ oue son arke de yf portaunt en sa meyn tres setes e un boson ¹¹ e tendi son arke e treit de une sete barble un meyr ¹² porc del age de deuz aunz e de pris de vj. s.¹³ e de meme cele sette ferit le porc au quer ¹⁴ issi que il morust tot apres a son damage de x. s.¹⁵ e huntage de demi marc.¹⁶ Si conustre etc.

Defense

Tort e force ¹⁷ e la pees le seignur enfreynt e ses damages de x. s. e huntage de demi marc e de checun dener e quant que est encountre la pees defend *B.*¹⁸ que ci est encountre le

¹ reconust cele trenche e la quantite *C.* reconust cele devise trenche de la quantite *N.* la trenche de cele quantite *X.* *sim. S.* ²⁻³ *Om. SX.*

⁴ *Here in O the whole work comes to an abrupt end in the middle of a page, and then without interval Incipit summa que vocatur Judicium Essoniorum*

⁵ *Add per la ley E. Thereupon in E the defendant successfully makes his law and the plaintiff is in mercy. CNSX agree with A in sending the case to a jury, but do not report a verdict.*

⁶ *De porc occis en son pasture. E. De porco occiso S. No heading X.*

⁷ *de Pyrie C. de Pirie E. Rauf de Pirye le seriant N.*

⁸ *Bernard Godard CN. T. de B. X. T. de C. X.*

⁹ *de Pyrie E. de Pirye N.*

¹⁰ *Bernard CN.*

¹¹ *e un bozoun CES. Om. e un boson X.*

¹² *neyr CE. neir NX.*

¹³ *v. s. N. iiij. s. S.*

¹⁴ *le porc deke au queor C. sim. E. le porc par my le quer N.*

¹⁵ *a damage le seignur de xx. s. N.*

¹⁶ *In S, where the damage is laid at four shillings and the shame at a half-mark, there is a note in the margin, Nota plus nocere dedecus quam dampnum ut hic.*

¹⁷ *Tort e non reson X. Ins. e la pes deu N.*

¹⁸ *Bernard CN.*

the cutting of this quantity of the said boundary and the said deed and well he avoweth the boundary as being upon his own proper land, and not on the land of Richard nor in any wise appurtenant to his [Richard's] land or his boundary; and well he showeth thee that right lawful was it for him to cut at his will that quantity and also all that is left; and that this is truth, we are ready to aver.^a

Therefore be this inquired.

And on the same day the inquest passed for Nicholas and therefore was it awarded that Richard should gage an amercement to the lord and make amends to Nicholas for his false plaint.

Of beasts killed or struck.

[23] Sir steward, the serjeant of P[irie] Robert by name, who is here, complaineth of B[ernard] G[odard], who is there, for that whereas the swineherd of the lord, Richard by name, was keeping the lord's pigs in the field of P[irie] in the peace of God and the peace of the lord, came the said B[ernard] with his bow of yew, carrying in his hand three arrows and a bolt, and bent his bow and shot with a barbed arrow a black pig of the age of two years, price 6 s., and with the same arrow struck the pig right in the heart, so that at once it died, to his [the lord's] damage of 10 s. and shame of a half-mark. If confess etc.

Tort and force and any breach of the lord's peace and his damages of 10 s. and shame of a half-mark and every penny thereof and all that is against the peace, defendeth B[ernard], who is here, against the serjeant R[obert] of

^a A variation makes the defendant offer to aver his defence 'by the law'; whereupon he acquits himself

by his law and the plaintiff is in mercy.

seriant R. de P.¹ que la est e encountre sa sute e quant que yli mette sur, que unkes teu porc ferist del age de deuz aunz e de pris de v. s. de sete barble² ou de galoste³ occist ne treit sicom il ad uers ly counte; e de ceo est il prest de ly aquyter en tutes maneres que ceste curt agarde⁴ que aquyter se deyt.

⁵ Ideo ad legem.⁶

De dette detenue.⁷

[24] Sire seneschall, Thomas le Lorimer que ci est se pleynt de Esteuene le Gaunter⁸ que la est, que atort ly deteynt xl. s. que ily deit les queus ily presta par mult grant amyte e grant especialte teu jour⁹ furent iiij. aunz¹⁰ passez, e les queus ily dust prestement¹¹ auer rendu a la Pasche procheyn suant apres saunz nul countredit ou nul delay, dount atort¹² les ad taunt de tens detenu e unkore les detient a son damage de xx. s. e huntage de demi marc.¹³ Si conustre¹⁴ etc.

Defense

Tort e force¹⁵ e quant que a tort appent defend Esteuene que ci est encountre T. que la est e ses damages de xx. s. e huntage de demi marc e de checun denier encountre luy e encountre sa sute e quant que ili mette sur; e vous prie, sire seneschall, ke il puisse requiter¹⁶ un jour de amour oue meme cesti Thomas si vous pleist.

E nus le vous garantums,¹⁷ fet le seneschall, issi que vous seiez une gent entre ci e la procheyne curt,¹⁸ sauue le dreyt le seignur en tutes choses¹⁹; e si vous ne estes,²⁰ que vous seiez en le estat que vous estes ore.²¹

¹ Robert de Pyrie C. ²⁻³ ou galache N. ou de nul autre arme X. *sim. S. Om. E.* ⁴ *N ends the case here with etc.* ⁵⁻⁶ Thomas fet le seneschal ceste curt agard ke vous soiez a une ley oue vostre sisime main. Sire volunters. Plegges. X. *S accord. subst.* ⁷ Encouplement de dette atort retinue N. *No heading X.* ⁸ le Teynturer N. ⁹ le dimanche de la Paske Florie X. le dimeine de Palmes S. ¹⁰ treiz aunz C. ¹¹ pleynement X. *sim. S.* ¹² *Ins. e a non reson XS.* ¹³ *Ins. e hounte de x. s. C. damage e hontage de demy marc e plus X. sim. S.* ¹⁴ *S concludes the formula.* ¹⁵ Tort e nonreson XS. ¹⁶ recoyller C. requyllir E. recoillir SX. ¹⁷ grauntoims C. grauntoims E. *sim. NSX.* ¹⁸⁻¹⁹ *Om. X.* ²⁰ e si vous ne estes accordez C. *sim. NS.* ²¹ *Add e par meynes. Sire vostre mercy. X. sim. S.*

P[irie] who is there and against his suit and all that he surmiseth against him, that never did he strike such a pig of the age of two years or price of 5 shillings with a barbed arrow or a Welsh^a arrow [or any other arm] nor kill nor shoot at it as he has counted against him ; and of this ready is he to acquit himself in all such wise as this court shall award that acquit himself he ought.

Therefore to a law.

Of debt detained.

[24] Sir steward, Thomas Lorimer, who is here, complaineth of Stephen Glover, who is there, that wrongfully he detaineth from him 40 s. which he oweth him, and which he lent him by reason of great friendship and very special cause^b on [Palm Sunday] four years ago, and which he ought to have readily repaid at Easter next ensuing without any contradiction or delay, but which he hath wrongfully detained for such a time and still detaineth, to his damage of 20 s. and shame of a half-mark.

Tort and force and all that to tort belongeth, defendeth Stephen, who is here, against T[homas], who is there, and his damages of 20 s. and shame of a half-mark and every penny thereof against him and against his suit and all that he surmiseth against him ; and he prayeth thee, sir steward, that he may have a day of love with the said Thomas if it please thee.

And we grant it thee (saith the steward), so that ye be at one between now and the next court, saving the right of the lord in all things ; and if then ye be not at one, ye shall be in the same estate that ye now are in.

^a See above, p. 35, note *a*.

^b It will be seen that the text here introduces the term *especialte*. We cannot say that the debt was in any

technical sense a 'specialty debt,' but an allegation of a special reason for the loan seems considered desirable.

De diffamacion.¹

[25] Sire seneschall, William de Westone que ci est se pleynt de Johan de M.² que la est que il encountre³ la pees le seignur ly ad defame en plusurs lus envers plusurs bone genz du pay e sa franche leute en mult de maneres enblemy en taunt que ily appella laron⁴ e deleaus e quant que beu ly fut hors pris soulement son dreit noun, par unt que il est tenu autre que estre ne dust ou estre ne soleit, a ses damages de xl. s. e huntage de xx. s. Si conustre etc.

Defense

Tort e force⁵ defend Johan que ci est encountre W. que la est e la diffamacion e les damages de xl. s.⁶ e de checun denier e quant que yly mette sur; e prest est de sey aquyter en totes les maneres que ceste curt agard que aquyter se deit.

⁷ Beus amys, fet le seneschall, retrez vous; la curt em-parlera.

Sire, volunters.⁸

Beus seignurs⁹ vous que estes¹⁰ de ceste curt coment vous semble que Johan ceo est defendu.

Sire, fet un Henry de C.,¹¹ il nus semble que¹² il se est defendu encountre Willame sicom fere dust e nemye¹³ encountre sa sute, e pur ceo vous lur durrez¹⁴ vostre auis.

Beus amys Johan, fet le seneschall, vous auez respondu en ceste curt a Willame de Westone de un defamacion dount vous auez enblemy sa leute e sa persone¹⁵ en plusurs maneres e vers plusurs e en¹⁶ plusurs bone genz e en pleyne marche,¹⁷ e vous ly auez respondu par les paroles de la curt en ces¹⁸ poynz solum le usage de ceste curt, fors tauntsoulement que vous ne defendistis mye encountre sa sute come fere dussez taunt auer plus dit encountre Willame e encountre sa sute

¹ No heading X. ² J. Malherbe C. Johan Malerbe N. In S the parties are Willame de H. and J. de N. ³ Ins. la pes deu e N. ⁴ apela chetif mauueys laron X. sim. S. ⁵ Tort e nonreson X. sim. S. ⁶ e huntage de xx. s. N. In S the damage is put at twenty, the shame at ten shillings. ⁷⁻⁸ Om. X. ⁹ Ins. fet le senescal EN. ¹⁰ Ins. seutoures E. suters S. suiters X. ¹¹ fet un C. C. fet un B. de C. N. ¹²⁻¹³ il ad resonablement defendu les paroles de la court fors tantsolement ke il ne ad defendi mye X. sim. S. ¹⁴ dirrez CEN. dites SX. ¹⁵ e ly dispersonnee E. ¹⁶ e envers E. ¹⁷ maners si cum il ad envers vos conte S. sim. X. ¹⁸ ses E.

Of defamation.

[25] Sir steward, William of Weston, who is here, complaineth of John Malherb, who is there, that against the peace of the lord he hath defamed him in divers places to divers good folk of the country and his free lawfulness hath in many wise blemished insomuch that he called him thief and lawlessman^a and whatever seemed good to him save only his right name, whereby he is deemed such as he ought not and is not wont to be, to his damage of 40 s. and shame of 20 s. If confess etc.

Tort and force defendeth John, who is here, against William, who is there, and the defamation and the damage of 40 s. and every penny thereof and all that he surmiseth against him; and ready is he to acquit himself in all such wise as this court shall award that acquit himself he ought.

Fair friends (saith the steward), retire ye, for the court will take counsel.

Willingly, sir.

Fair sirs, ye who are [suitors^b] of this court, how seemeth it to you that John hath defended this?

Sir (saith one Henry of C.), it seemeth to us that he hath defended it against William as he ought, but not against his suit; therefore do thou give them thy opinion.

Fair friend John (saith the steward), thou hast answered in this court to William of Weston touching a defamation whereby thou hast blemished his person in divers manners and in divers places and to divers good folk and in full market, and thou hast answered by the words of court in these points according to the usage of this court, saye only that thou hast not defended against his suit as thou oughtest to have done, for thou oughtest to have said more, namely, 'against William and against his suit and

^a The words 'leute,' 'deleaus' seem to hover between 'loyalty,' 'disloyal,' on the one hand, and 'lawfulness,' 'lawless,' on the other hand. To say of a man that he is 'deleaus' is to accuse him of some-

thing more definite than 'disloyalty' in our sense of that word; it is to deny that he is a 'lawful man': it is to suggest that he is a 'lawless-man,' that is, an outlaw.

^b Not in all MSS.

e quant que il y mette sur¹; e pur ceo agard ceste curt que vous facez les amendes uers W. en amour² par agard de bone gent³ e que vous seiez en la mercy uers le seignur.⁴

Ci finissent les acoupemenz e les defenses de Curt de Baron.⁵

⁶ Ci comence coment le seneschall deit parler uers ceus⁷ ou nule homme ne sue⁸ fors le seignur pur le trespas. Ci put un jun homme veer coment il deit sutillement parler.⁹

Beus amys Robert, fet le seneschall, fet¹⁰ nus venir ceus que deyuent fere lur lays a ceste journe, et fet¹¹ nus maunder ceus que furent assignes a la dreynere curt que ils veignent garanter, e comandez nus ceus que quilierent¹² les jours de amours dekes a ceste curt e les destresses e les attachemenz e ceo que appent a la journe.

Sire, fet le baillif, veez ci vostre demande en un escrouwet.¹³

Bien est; fete les venir.¹⁴

[26] Richard le Draper vous attache¹⁵ a respoundre en ceste curt par¹⁶ un hutes leue a teu jour tel heure en tel an, pur quey fu le utes leue, dites nus lencheson.

¹ Om. taunt aver . . . mette sur SX. ²⁻² par agard de ceste court E. Om. SX. ⁴ Add pur ce ke vous defaillistis a defendre contre sa suite. Plegges. X. sim. S. Add Johan trouez plegges. Sire volunters A et B et multis aliis. E. ⁵ A has no concluding words. X ends the whole work here with Explicit curia baronum. ⁶ Here we become dependent on ACES. We take the text from A. In the introductory part S varies so widely from A that we do not collate it, but print its contents below, at p. 58. ⁷ eus E. ⁸ ne fet sewte E. ⁹ deynt soul parler e encouper en la court E. ¹⁰ fetes CE. ¹¹ fetes CE. ¹² quillerunt C. requyllerent E. ¹³ en cest escrouwet E. ¹⁴ Bon est fet le venir C. Bon est fete pees etc. E. ¹⁵ vous estes attache C. sim. E. ¹⁶ pur C.

all that he surmiseth'; therefore doth this court award that thou do make amends to William in love by the award of good folk and that thou be in mercy against the lord.

Here end the charges and defences in a court baron.

Here beginneth how the steward shall speak against those who are not accused by any man save the lord on account of the trespass. Herewithal may a young man see how he shall speak with subtlety.^a

Fair friend Robert (saith the steward), cause to come before us those who ought to make their laws at this sitting, and cause us to be informed of those who were essoined at the last court that they may warrant [their essoins,] and send before us those who received love-days [for atonements to be made] before the day of this court, and the distresses and the attachments and all that belongeth to this day's session.

Sir (saith the bailiff), see here what thou demandest in a scroll.

'Tis well; bid them come.^b

[26] Richard Draper, thou art attached to answer in this court for a hue raised, such a day, hour and year. Wherefore was the hue raised? Tell us the cause.

^a Or 'shall speak when he is alone.' The steward has now to assume the character of a public

prosecutor and press for fines and amercements.

^b Or 'Tis well; proclaim the peace.'

Sire nus ¹ diomus tut pleynement qe a teu jour ne a tel heure ne de denz la nuyt ne uncore en cel an coment vous me mettez sur ne fu ² hutes ne crie leue ne par moy ne par nul des meynes, e vus prie ententiuement que ceo seit enquis.³

E dist lenqeste Willam fit le hutes e le crie. Pur quey il demurra en lamercy ⁴ pur le trespas uers le seignur, e que il se purchace dreit uers W. son vesyn par agard de ceste curt.⁵

[27] Ou estes vus William le Lorimer.⁶

Sire veez moy ci.

Vous futes assoigne a le dreynere curt,⁷ e sur ceo estes assis en ceste curt ⁸ saunz garanter vostre assoigne, par unt que ceste curt agarde que vous sieiez en la mercy. E de autre part fet nus est entendre que vous auez enfreynt lassise de payn, coment volez vous aquyter.

Sire, ieo reconu que ieo auey ore dreyn akun payn par auenture que ne fu pas fet ne furny solum lassise.

William *serve nequam ex ore tuo te judico.*⁹ E pur ceo agard ceste curt que vous sieiez en lamercy.

[28] ¹⁰ Willam le Taylour il vous fust agardee a fere une ley a cest court pur lassise de cerueyse enfreynte estes vous venus cum vener dussez.

Sire oyl veez mey cy prest afere ma ley. E la fyst. E pur ceo ala il quites.

[29] Thomas le Pessouner ¹¹ vous estes attache a respondre en ceste curt pur quey a teu jour tut outre a la jorne ¹² vendistis en pleyn marche pessoun puaunt e purri e en totes

¹ *Ins.* vous *CS.*

² an cum vos dites si pleisir vos est ne fu *S.*

³ prie pur deu que ce soit ententiuement enquis des veisins. Et ideo inquiratur *S.* *No verdict in S.*

⁴⁻⁵ e Water sun veysin quites *E.* *C accords with A.* ⁶ le Mercer *E.* le Pestour *S.* ⁷⁻⁸ *Om. S.* ⁹ *Om.*

the quotation S. ¹⁰ *This plea is not in AC.*

¹¹ le Folur *S.*

¹² tut outre a la jornee *C.* tut outre a jornee *S.*

Sir, we tell thee right fully that never on such a day or hour, nor at night, nor at any time within this year, as thou surmisest, was hue or cry raised by me nor by any of mine, and we pray thee earnestly that this be inquired.

And the inquest saith that William raised the hue and cry. Wherefore he remaineth in mercy for the trespass against the lord ; and let him purchase right against Walter his neighbour ^a by award of this court.

[27] Where art thou, William the Lorimer ?

Sir, see me here.

Thou wast essoined at the last court, and yet thou art seated in this court without warranting thy essoin. Wherefore this court awardeth that thou be in mercy. And besides this it is given us to understand that thou hast broken the assize of bread. How wilt thou acquit thyself ?

Sir, I confess that peradventure I had of late a loaf or so that was not made or baked according to the assize.

Out of thy mouth will I judge thee, William, thou wicked servant.^b Wherefore this court awardeth that thou be in mercy.

[28] William the Tailor, at the last court it was awarded that thou shouldest make a law at this court as to breaking the assize of beer. Art thou come as come thou oughtest to ?

Yes, sir ; see me here ready to make my law. (And he made it ; therefore goeth he quit.)

[29] Thomas the Fishmonger, thou art attached to answer in this court, wherefore on such a day (*and so forth, naming the day*) thou didst sell in full market fish stinking and

^a See above, p. 21. Richard has before now laid the blame on Walter his neighbour.

^b The steward betakes himself to his Vulgate.

maneres corumpu¹ encountre le establissement de la vile, cest asauer que nul pessouner² ne deit si longement pur cher vendre son pessoun retenir que il deueigne puant e purri e en aukun manere corumpu dount lem puisse receyure mal ou damage ou enfermete de cors; dount assez est testmoigne par bone gent de la vile que plusurs genz de la vile par le puour e par la corrupcion de vostre pessoun que a teu jour fu vendu en eurent³ damage e grant enfermete de cors; coment volez vous amender ceo⁴ trespas.

Sire, pur bon pessoun e nouelement pris e saunz nul manere de corrupcion le achatay, e pur ceo le vendi.⁵

Thomas bien est veirs que pur bon pessoun e nouel e saunz corrupcion le vendistis,⁶ mes jeo die bien que pur le longe detenue que vous le deteinstes pur cher vendre deuient le pessoun puant e purri; tel fu le pessoun que vous mey⁷ vendistis e a ceo me respoundrez vous.⁸

Sire, que le pessoun fu bon e neynt purri ne corumpu le jour de marche quant jeo le vendi ne⁹ unkes nul homme par encheson de cel pessoun mal ne damage ne enfermete de cors ne¹⁰ encorut me mette jeo bien en la vile.¹¹

Ideo inquiratur.

E lenqueste passa encountre ly etc.¹²

[30] Esteuene le Carpenter, vous estes attache a respoudre en cest curt a un estraunge homme¹³ pur gref trespas que vous li feistes de denz vostre poer e encountre la pees le seignur¹⁴ fet a le estraunge, de ki nus surdera la merci. Sire Esteuene, trouez plegges.

Sire, volunters.¹⁵

¹ *Om.* e en totes maneres corumpu *S.* ² peschir *C.* peschour *S.*
³ *Ins.* mal e *S.* ⁴ le not ceo *S.* ⁵ Sire si pleisir vos est pur bon pessoun e saunz puur la vendi et saunz nule manere de corrupcioun la chatai al havene de *C.* e pur tel le vendi *S.* ⁶ ahatastes *C.* vendistes *S.* ⁷ me *C.* le *E.* ⁸ a ceo me respoundrez *S.* a ceo responez *E.* ⁹ *Ins.* que *S.*
¹⁰ ne repeated *A.* ¹¹ me met jo bien en la juree *S.* which gives no verdict.
¹² Add *ideo in misericordia C.* et *ideo in misericordia pleg' E.* ¹³ *Ins.* que ci est *S.* ¹⁴⁻¹⁵ Coment est cete besoigne ale, estes vous une gent. Sire oyl sauue le dreit le seignur fet le estraunge. De ky nus surdra la mercy. Sire de Estivene. *C.* *sim.* *S.* adding Stephen's assent to the statement that the amercement is to come from him. In *E* also there is a compromise.

rotten and in every wise corrupt against the establishment of the vill, to wit, that no fishmonger do for the purpose of selling more dearly retain his fish so that it becometh stinking and rotten or in any wise corrupt, whereby one may receive harm or damage or sickness of body ; and as to this it is sufficiently testified by good folk of the vill that divers folk of the vill by reason of the stench and corruption of thy fish, which thou soldest on such a day, have had damage and great sickness of body. How wilt thou amend this trespass ?

Sir, for good fish and newly caught and without any kind of corruption, I bought it, and for such I sold it.

Thomas, right true it is that for good and new fish and without corruption thou boughtest it, but I tell thee well that by reason that thou didst long keep it to sell it more dearly did it become stinking and rotten. Such was the fish that thou soldest, and to this wilt thou answer ?

Sir, that the fish was good and not rotten or corrupt on the market day when I sold it and that never by reason of this fish was any ill or damage or sickness occasioned, of this I freely put myself on the vill.

Therefore be this inquired.

And the inquest passed against him. [Therefore be he in mercy. Pledges etc.]

[30] Stephen Carpenter, thou art attached to answer in this court to a stranger [who is here] for a grave trespass which thou didst to him within thy^a power and against the peace of the lord given to the stranger, from which an amercement will accrue to us. Sir Stephen, find pledges.

That I will, sir.

^a Perhaps it should be ' within our power,' i.e. within the court's jurisdiction.

- [31] Elys de la Fonteyne, vus estes attache a respoundre en cest curt pur quey en despit le seignur deneyastes vendre ceruoyse au baillif que ci¹ al hus² le seignur a son desonour. Sachez bele amy que nus volomus auer mout pleynement les amendes.

Sire jes fray quant que ceste curte agard que fere deueray que ceo jour que le baillif me mist sur³ ne duse deneyer de vendre⁴ ceruoyse al hus⁵ le seignur ne nul heure de jour ne de la nuyt ne fu ceruoyse en mon poer.⁶

Et inquisitum fuit e lenqueste passa encountre luy. Ideo etc.⁷

- [32] William le Lunge, vous estes attache a respondre en ceste curt pur quey la dreynere fez que vous futes al molyn le seignur pur vostre ble moudre, enportates le tonue en grant preiudice le seignur e en son despit.

Sire, ceo fu⁸ pur obliaunce e negligence e noun pas en preiudice le seignur ne en son despit, e su prest de amender.

Le agagez.⁹

Sire volunteers.

- [33] Geffrey de la More, vous estes attache a respondre en ceste curt pur quey vous entrastes le parke le seignur¹⁰ oue deus leuereres e oue Johan vostre venour¹¹ e lenz chastes a vostre volunte demeyne, preistes ceo que prendre voilleistes e lessates ceo que lesser vodrez en grant preiudice le seignur e en son despit e encountre la franchise que il ad de par nostre seignur le rey de illukes auer¹² son parke com sa chambre,¹³ coment volez vous ceo trespas amender, desicom le rey defend sur sa greuouse forfeiture de x. libr. que nul

¹ ke cy est C. que la est S. ² oes CS. ³⁻⁴ ne duse deneyr de vendre C. que jeo ni ly deneya vendre E. ne li denoiai servoise a vendre S.
⁵ oes CS. ⁶ Add ne en ma poeste S. ⁷ Ideo in misericordia C. S has no verdict.
⁸ Sire suffit fut ceo fut C. Sire fet il si issint ferist ceo fu S.
⁹ Agagez la mercy C. E vos nos agagez la merci S.
¹⁰⁻¹¹ a ij. moetes des chiens E. ¹²⁻¹³ soun park propre com sa chaumbre C. sa propre warrenne E. sa fraunche warrenne S.

- [31] Ellis atte Well, thou art attached to answer in this court, wherefore in despite of the lord thou didst refuse to sell beer to the bailiff, who is here, to the use of the lord, and this to the lord's dishonour. Know this, my good friend, that we will have right full amends.

Sir, I will do whatever this court shall award that do I ought [to prove that] on the day that the bailiff surmiseth I refused not to sell beer to the use of the lord nor at any hour of day or night was there beer in my power.

And this was inquired and the inquest passed against him. Therefore [he is in mercy].

- [32] William Long, thou art attached to answer in this court, wherefore the last time thou wast at the lord's mill to grind thy corn, thou didst carry off the toll to the great prejudice of the lord and in his despite.

Sir, [if so it was] it was by forgetfulness and negligence and not in prejudice of the lord nor in his despite, and ready am I to make amends.

Find gage for them.

That will I, sir.

- [33] Geoffrey of the Moor, thou art attached to answer in this court, wherefore thou didst enter the lord's park with two greyhounds and with John thy huntsman and when within didst hunt at thy will, and take what thou wouldest take and leave what thou wouldest leave, to the great prejudice of the lord and in his despite and against his franchise which he hath from our lord the king of having his park there [as much his own] as his own chamber. How wilt thou amend this trespass, whereas the king enjoineth on pain of his grievous forfeiture of £10^a that none do enter

^a A clause common in royal charters denounces a penalty against those who infringe the franchises thereby granted.

homme ni entre de chacer ou de bestes prendre si noun a la volunte le seignur.

Sire, jeo su prest a fere quant que ceste curt agarde que fere deuerey que unkes par mey ne par nul de mes leuereres¹ ne fu nule manere de beste prise sicom vous moy mettez sur, noun pur ceo² ke jeo ne reconu bien que mes deus leuereres eschaperent hors de la meyn mon petit garcion pur son noun poer que me suist³ dekes a le parke e illukes entray a une brecke⁴ que jeo trouay prestement use e pursuy mes leuereres e le requily⁵ issi que mal ne damage ne⁶ nule manere de beste sauage⁷ a cele feze pristerent⁸ ne unkes deuant ne unkes puy, e si vous jugez ceo pur trespas prest su de fere les amendes.⁹

E nus vous asseom jour¹⁰ a la procheyne curt de parler¹¹ de les amendes.

[34] Willame de E. vous estes attache a respoudre en ceste curt pur quey vostre fiz que est vostre meyn past entra le gardyn le seignur outre les murs que sunt endressez environ¹² e leynz fu troue teu jour tel heure e pumes e peyres de checun manere de frut enporta a sa volente a vostre meson e la furent il trouez par le baillifs¹³ que les nus presenterent¹⁴; coment volez vous le trespas amender.

¹⁵ Sire que unkes nule manere de frut par moy enporta fray quant que ceste curt agard que fere deuerey.¹⁶

Willame au meyns vous ne poez dedire que il ne fu lenz troue e deuerse manere de frut enporta¹⁷ a sa volunte.¹⁸

Sire, bien est veyrs par quey ieo me mette¹⁹ en la mercy.

¹ par moi ne nul de miens ne encore ke plus est par nul de mes chiens *S.*
² noun pas pur ceo *C.* ne mie pur ceo *S.* ³ ke me suist *C.* que mey suy *E.* ⁴ garcoun en lauantdist boys e quant jeo me aperceu quil furent entre en lavandit boys jeo entrai par une brecke de la haie *S.* ⁵ mes chiens saunz corn' ou noise fere e sanz arcke e saunz seetes e bonerement les recoilli *S.* ⁶ en *E.* ne *C.* ⁷ *Ins.* ne autre *S.* ⁸ pristrent *C.* ne firent *E.* *no verb S.* ⁹ *Add* vers mon seignor e le vostre *S.* ¹⁰ *Ins.* deke *C.* ¹¹ enparler *S.* ¹² que sunt bien e novelement fet tut environ le gardin *S.* ¹³ baillif *C.* par le baillif juree que ci est en present *S.* ¹⁴ presente *C.* *S has nothing about a presentation of the fruit.* ¹⁵⁻¹⁶ Sire fet il jeo sui prest de fere volenters les amendes car par ma conseil ni entra onques ne nul maner de fruit nenporta *S.* ¹⁷⁻¹⁸ en vostre meison *S.* ¹⁹ *Ins.* tut *S.*

to chase or take beasts unless it be at the will of the lord.

Sir, ready am I to do what this court shall award that do I ought [to prove] that never by me nor my greyhounds was any manner of beast taken as thou surmisest against me ; not but that I will confess that my two greyhounds escaped from the hand of my small boy by reason of his weakness, or that I followed them to the park and entered there by a breach that I found already used and pursued my hounds and retook them, so that no damage was done to any manner of wild beast on that occasion or ever before or ever since ; and if thou adjudgest this a trespass, ready am I to make amends.

And we assess thee a day at the next court to speak of the amends.

[34] William of E., thou art attached to answer in this court wherefore thy son who is thy mainpast entered the lord's garden over the walls that are erected round it and was found inside it on such a day and hour, and carried off apples and pears of every kind at his will to thy house, and there were they found by the bailiffs, who produced them before us. How wilt thou amend the trespass ?

Sir, [to prove] that never was any manner of fruit carried off by me, I will do whatever this court shall award that do I ought.

William, at the least canst thou not deny that he was found inside and carried off divers kind of fruit at his will.

Sir, 'tis true ; wherefore I put myself in mercy.

[35] Wauter de la More, vus estes attache a respoudre en ceste curt pur quey nutantre e countre la pees le seignur¹ entrastes le uiuer le seignur² e deuerse manere de pessoun enportastes a vostre volunte³; coment volez vous aquyter ou fere les amendes, kar sachez key ke⁴ pursuist uers vus⁵ vous serriez en peril de vie e de membre; ore vous counseillez.

⁶ Sire, ma femme ad ju countrelyt⁷ un moys enterement que unkes mangast ne bust que luy plust, e pur le desir que ele aueyt de manger de un perche me acostay a la rude de cel uiuer⁸ pur prendre une perche seulement; e que autre pessoun ne pris ne enportay su prest a fere quant que vous moy agardez.

Fet le seneschall, pur ceo que a lautre jour donastes demy marc pur auer un enqueste, ore entendez vous que nus le auomus oblie⁹; vodrez vous ore auer autre lay; si agarde ceste curt que vous seiez en la mercy le seignur en dreit de uos¹⁰ plegges, etc. De autre part au meyns estes reconissant en ceste curt de une perche pris e enporte en autre manere que fere ne deverez, kar en plus honeste manere ipurriez estre venuz, dount en dreit de ceo estes en la merci, plegges etc. E de autre part a une lay ou¹¹ vostre sime meyn que autre pessoun ne enportastes a cele fiez ne al nul autre.

Sire volunters.

Et defecit in lege sua, ideo ter in misericordia in uno die.¹²

¹³ [Sire jeo enparlerai a vostre conge. Ore a bon oure :— Sire pur deu ne prenez mie a mal que jeo vos di la verite coment jeo alai lautre soir en coste la rive de cel viver e regardai les pessouns que se juerent en cel ewe si bele e

¹ *Ins.* e la vostre [corr. nostre] *S.*

² *S enlarges on the excellence of the fishery.*

³ e feistes vostre largesse pui tot en pais cum pardone [corr. par done] e par vente *S, which further expatiates on the heinousness of the offence.*

⁴ que ky *E.* ke ky ke *C.*

⁵ car pur voir le sachez qui swist en droit manere sor vos *S.*

⁶ *An alternative version of this plea taken from S is given below.*

⁷ ad jeu contrelit *C.* ad coche

sun lyt *E.*

⁸ acostay a la riure de cel viver *C.* mey conselay aler a la

ryure de ceo viuer *E.*

⁹ avoms ceo oblie *C.*

¹⁰ en droit de ceo *C.*

¹¹ od *E.*

¹² *Here ends C with Explicit Curia Baronum.*

¹³ *This alternative version of the plea is given by S.*

[35] Walter of the Moor, thou art attached to answer in this court wherefore by night and against the lord's peace thou didst enter the preserve of the lord and didst carry off at thy will divers manner of fish [and didst make largess of it by gift and sale]. How wilt thou acquit thyself or make amends? For know this, that were anyone to prosecute thee, thou wouldest be in peril of life and member; so be advised.

Sir, my wife was abed a whole month and never could eat or drink what liked her, and for the craving that she had to eat a perch she sent me to the brink of the preserve to take just one perch; and [to prove] that no other fish did I take, ready am I to do what thou mayest award me.

Saith the steward: For that on a former day thou gavest a half-mark to have an inquest, dost thou think that we have now forgotten this, and wouldest thou now have other law? Therefore this court awardeth that thou be in the lord's mercy for this matter; thy pledges etc. But again, at the least thou art confessing in this court that thou hast taken a perch in other manner than thou oughtest, for in more honest way mightest thou have come by it; therefore for this reason art thou in mercy; pledges etc. And yet again, thou must be at a law six-handed that thou didst not on this or any other occasion carry off any other fish.

That will I, sir.

And he failed in his law and so was in mercy thrice in one day.

^a[Sir, by thy leave I will imparl. Then afterwards he speaks thus:—Sir, for God's sake do not take it ill of me if I tell thee the truth, how I went the other evening along the bank of this pond and looked at the fish which were playing in the water, so beautiful and

^a An alternative version of the plea.

si clere, et pur le grant desir que jeo avoi a une tenche que jeo me mis a la rive, e de mes meins soulement e tut pleinement saunz autre sutillite cele tenche pris e enportai e la cheison de ma covetise e mon desir vos dirai ; ma compaignie que est ma feme avoit jeu encontre lit bien un mois entierement si cum mes veisins que si sunt bien sevent que onques ne manga ne beu chose que lui pleust e pur le grant desir ke ele evoit amanger de une tenche men alai a la rive del viver pur aver une tenche soulement, e que onques autre pessoun de viver ne pris ne enportai prest sui de fere quanque vos me garderez.

W., fet le senescal, al meins aves reconu en ceste cort de une tenche pris e enporte en autre manere que fere ne deveriez, car en plus bele manere i porrez aver a venu, par unt nos vos dioms que vos estes en la merci le seingnor, et dautre part a une lai od vostre sissime main que nul autre manere de peissoun ne pristis ne enportastes cel foiz ne nul autre.

Sire a vostre pleisir.]

- [36] Willame le Lorimer, vous estes attache a respoundre en ceste curt par ceo que J. e T. que sount vos seriaunz¹ furunt trouez fauchaunt le estuble le seignur en tel lu certeyn encountre la defense que comunaument est fet checun an en ceste curt, e le estuble en tele manere enporterent la ou vous auiez comande, de quel estuble le prouost le seignur poyt auer fet couerir² la bouery e la daeyre³ que ore sunt descouerz par unt que le seignur en ad damage del auant-dite couerture de xl. s.

Sire, que unkes mes genz J. e T. par nouns le estuble de cele lu ne sierent par mon comandement ne enporterent me su prest a fere me aquyter par une lay oud taunz de genz com il me fu agarde a la procheyne curt passe.

Et concessum fuit per senescallum. Par sa lay se aquyte. Ideo quietus recessit.⁴

¹ que sunt de vostre mainpast S. ² recoverir S. ³ la charpen-
terie le seignor sa daerie e sa bercherie S. ⁴ In S William behaves
quite differently ; he disavows J and T quil ne furent a tel heure de ma mein

so bright, and for the great desire that I had for a tench I laid me down on the bank and just with my hands quite simply, and without any other device, I caught that tench and carried it off; and now I will tell thee the cause of my covetousness and my desire; my dear wife had lain abed a right full month, as my neighbours who are here know, and she could never eat or drink anything to her liking, and for the great desire that she had to eat a tench I went to the bank of the pond to take just one tench; and that never other fish from the pond did I take, ready am I to do [by way of proof] whatever thou shalt award me.

W[illiam], saith the steward, at least thou hast confessed in this court a tench taken and carried away in other wise than it should have been, for thou mightest have come by it in fairer fashion. Therefore we tell thee that thou art in the lord's mercy, and besides this thou must wage us a law six-handed that thou didst not take at that or any other time any other manner of fish.

As your honour pleases.]

[36] William the Lorimer, thou art attached to answer in this court, for that J. and T., who are thy servants [and thy mainpast], were found mowing the lord's stubble in such a place against the general prohibition made every year in this court; and the stubble they carried off whither thou hadst commanded them, with which stubble the lord's reeve might have covered the cow-shed and dairy, which now are uncovered, whereby the lord hath damage 40 s. in the matter of this covering.

Sir, [to prove] that never did my folk J. and T. by name cut the stubble of that place by my commandment, nor carry it off, I am ready to acquit myself by a law with so many folk as were awarded me at the last court.

And this was conceded by the steward. He was acquitted by his law and therefore went quit.^a

^a In an alternative version he denies that J. and T. were his mainpast, alleging that they were

labourers hired but from day to day, and of this he puts himself on the jury.

- [37] Wauter Coket agarde vous fut deuenir a ceste curt ou vostre sime mayn de vous aquyter que vostre garcete¹ Juliane par noun ne enporta nul herbe hors de pre le seignur ; estes vous venuz com il vous fu agarde.²

Sire, oyl.

Et fecit legem suam. Ideo quietus recessit.

- [38] ³Robert le Pestour, il vous fust agarde a la dreynere curt de estre a une lay oue vostre syme mayn encountre Willam de Wodestoke pur ceo que vous ly supplantastes de un tonel de vin ; estes vous venuz com fere deuez.

Sire, nanail. Jeo ne ay pas genz ci prest.

E pur ceo agarde ceste curt que vous seiez en la mercy le seignur e que vous facez les amendes uers W. etc.

- [39] ⁴Jordan de la Forde, il vous fut agarde de vous aquyter a ceste curt oue vostre sime mayn que Johan le Messer ne troua pas vostre jument en les aueynes le seignur ; etes vous venuz com fere deuez.

Sire, nanail.

E vous seiez en la mercy, plegges etc.

- [40] ⁵Wauter de la Croiz, il vous fut agarde a la dreynere curt pur demy marc de auer un enqueste que vous ne coupastes nule cheyne en le boys le seignur si noun appartenant a vostre franc tenement e a vostre commune. E pur ceo que lenqueste passa encountre vous agagez la mercy.

Sire, volunters.

- [41] ⁶Bernard de G., estes vous venu issi oue vostre lay de vous aquyter que vous ne occistis poynt le porc mon seignur.

past fors soulement a ma volente de jor en jor quant jeo de eus avoi affere cum en grange pur batre e que onque teu fet par moi ne furent que vos me metez sure me met jeo bien en la juree de la vile. Et ideo inquiratur.

¹ garce E. vostre auncelle cest adire vostre garce de vostre hostel S.

² S gives the charge in greater detail. Walter puts himself upon the jury of the vill that the grass was not cut by his command or with his knowledge, nor was it with his will carried to his grange or any place within his power.

³ Not in S.

⁴ Not in S.

⁵ Not in S.

⁶ Not in S.

- [37] Walter Coket, it was awarded thee that thou shouldest come to this court six-handed to acquit thyself that thy girl, Juliana by name, carried off no grass from the lord's meadow. Art thou come as it was awarded thee?

Yea, sir.

And he made his law. Therefore he went quit.

- [38] Robert Baker, it was awarded thee at the last court that thou shouldest be at a law six-handed against William of Woodstock, for that thou supplantedst him of a tun of wine. Art thou come as come thou oughtest?

Nay, sir, I have not got folk so readily.

And therefore doth this court award that thou be in the lord's mercy, and that thou make amends to W[illiam] etc.

- [39] Jordan of the Ford, it was awarded thee that thou shouldst acquit thyself at this court six-handed that John the Hayward did not find thy mare in the lord's oats. Art thou come as come thou oughtest?

Nay, sir.

Then be thou in mercy ; pledges etc.

- [40] Walter of the Cross, it was awarded thee at the last court for a half-mark that thou mightest have an inquest [to prove] that thou didst not cut an oak in the lord's wood save such as was appurtenant to thy free tenement and to thy common. And for that the inquest passed against thee, give gage for the amercement.

That will I, sir.

- [41] Bernard of G., art thou come here with thy law to acquit thee that thou didst not slay my lord's pig?

Sire, nanail ; ieo ne puise mye quant a la journe de huy
auer la gent prest, pur ceo que il sunt a la festes de V.¹

Quey durrez vous pur auer respit dekes a la procheyne
curt.

Sire, un bessaut de or.

E nus vous asseomus jour dekes a la procheyne curt.

- [42] ² Thomas le Lorimer e vus Esteyuene le Gaunter, coment
est ale la bosoigne entre vous ; estes vous une genz.

Sire, fet Thomas, oyl.

Ky de vous nus agagera la mercy.

Sire, fet Thomas, jeo.

Ore le agagez.

Sire volunters, plegges etc.

- [43] ³ Johan Malerbe, pur ceo que il vous fut agard⁴ a la
dreynerie curt que vous feistes les amendes uers W. de
Westone pur une fame que vous ly meistes sur ; estes vous
une gent.

Sire, oyl.

De ky nus surdra la mercy.

Sire, de moy.

Ore le agagez.

Sire, volunters, plegges etc.

- [44] ⁵ Nichol⁶ de Hoo vus estes attache a respoundre en
ceste curt pur quey e par quel garaunt preistes vostre
animal⁷ hors du ponefaude le seignur ou il furent enparkez
pur vostre trespas pur ceo que il furent trouez en les blez
le seignur ; coment volez vous le trespas amender.

Sire, il furent saunz manger e beyuere quatre jours e
quatre nutz, e par cel encheson les prise hors du ponefaude
pur enbeyuerir les.

Johan, pur quey ne furent il remenez.

¹ feyre de C E.

² Not in S.

³ Not in S.

⁴ agardee E.

⁵ This is much the same case as pl. 54 printed below from S.

⁶ Robert E.

⁷ beste E.

Nay, sir, I cannot have the folk ready here at this day, for that they are at the feast of [some other village].

What wilt thou give to have respite to another court ?

A bezant of gold, sir.

Then we assess thee a day at the next court.

- [42] Thomas Lorimer, and thou, Stephen the Glover, how has the business sped between you ; are ye at one ?

Yea, sir, saith Thomas.

Whether of you twain will give gage for the amercement ?

I, sir, saith Thomas.

Then give gage.

That will I, sir ; the pledges are etc.

- [43] John Malerbe, for that it was awarded thee at the last court that thou shouldest make amends to W[illiam] of Weston for a slander which thou didst put upon him ; are ye at one ?

Yea, sir.

From whether of you twain is the amercement to come ?

From me, sir.

Then give gage for it.

That will I, sir ; the pledges etc.

- [44] Nicholas of Hoo, that art attached to answer in this court wherefore and by what warrant thou didst take thy animals out of the lord's pinfold where they were impounded for thy trespass because they were found in the lord's corn. How wilt thou amend the trespass ?

Sir, they were four days and four nights without food or drink, and for that cause I took them out of the pinfold to water them.

John, why were they not put back again ?

Sire, jeo ne fu pas de ceo consaille.
 Johan, fetes les amendes.
 Ideo in misericordia.¹

² Ici comence la seneschausie coment le seneschal doit parler vers ceus ou nul homme ne suit fors le seignour.

Baillif dit le senescal, fetes nos venir ceus ke doivent fere lur leis si point en iount que fere les doivent a ceste jornee, e autresi fetes *nus* mander ceus que furent essoignez a la dereine cort *que* les venent *garanter*, e aussi ceus qui pristrent e recoillierent les jors damors desques a ceste cort e les destresces si point isoient e aussi les entachemenz e les prisons si *vus* en avez.

Par foi sire, fet le baillif, veez ci tut *vostre* demande escrit en ce roulle.

Ceo est bien, fet le senescal.

[45] Edonc, dit le senescal, ou est W. le Pestour.

Sire, fet il, veez moi ci.

Biaus amis W. vos feustes assoingnez, a la dereingne cort saunz *garaunter vostre* assoingne, e ceo ne deussez mie fere, paront que ceste cort agarde que vous soiez en la *merci*. E dautrepart vos estes atteint que vos avez enfreint lassise de pain, coment volez vos *aquiter*.

Sire, fet il, jeo reconusse bien que jeo avoie ore derein *par* aventure enfreint lassise en aucun pain dereingnement ke ele ne fu pas fet ne forni solum lassise.

W. fet le senescal, pur ceo agarde ceste cort que vos soiez en la *merci*.

¹ Explicit Curia Baronum A. Here A C bring the whole work to an end.

² We proceed to give so much of that version of the Second Part which is found in S, as does not correspond with what is found in the other MSS.

Sir, that was not of my counsel.
John, make amends.
Therefore be he in mercy.

^a Here beginneth the Steward's Office and how he shall speak against those who are sued by no one but the lord.

Bailiff, saith the steward, cause to come before us those who ought to make their laws if there be any who ought to make them at this sitting, and also cause us to be informed of those who were essoined at the last court, that they may come to warrant their essoins, and also those who took and received love-days for this court, and the distresses, if any there be, and also the attachments and the prisoners if thou hast any.

By my faith, sir, saith the bailiff, see here all that for which thou askest written in this roll.

'Tis well, saith the steward.

[45] Then, saith the steward, where is W[illiam] Baker?

Sir, saith he, lo I am here.

Fair friend W., thou wast essoined at the last court [and hast taken thy seat] without having warranted thine essoin, and this thou oughtest not to have done; wherefore doth this court award that thou be in mercy. And again thou art attainted of having broken the assize of bread; how wilt thou acquit thyself?

Sir, saith he, I confess that of late I may have broken the assize by some loaf which was not made nor baked according to the assize.

W[illiam], saith the steward, therefore doth this court award that thou be in mercy.

^a See footnote ² on the opposite page.

[46] E vos Roger del Ewe, *vous* feustes agarde a une lai fere a la dereingne curt, estes vos venuz cum fere devez.

Sire, fet il, oil; veez moi ici tut prest de cele lei perfere.

E il fist la ley e pur ceo ala il quites e son adversaire en la merci.¹

[47] Baillif, fet le senescal, que en est fet de Johan de la Fontaigne.

Sire il est destreint pur sa defaute.

[48] E que avez fet de W. le Templer.

Sire il est destreint de venir.

Fetes les meuz destreindre.

Sire volunters.

[49] Quoi en est fet de W. de Nortune.

Sire il est mis par gage e plegges de venir a ceste cort, il ne vient ne homme pur li.

Fetes le mettre par meillor plegges, e les primer plegges attachez a respondre de ce quil navoient pas etc.

[50] Willame de la Suche vos estes attache a respondre en nostre cort pur quoi vostre jument fu trove en les chauns le seignur encontre nostre defense.

Sire jeo me met en vostre merci, plegges etc.

[51] E vos E. le Clerc vos estes attachez a respondre en ceste cort pur quoi vos berbiz furent trovez en le pre le seignur nutantre ij. fiez.

Sire, fet il, jeo froi ce ke vos plet.

Agagez la merci.

Sire, volunters.

¹ Here follow in S two short cases: in one, a litigant withdraws from his law and is amerced; in the other, two litigants have made a compromise. They contain nothing that is not found elsewhere.

[46] And thou, Roger atte Water, thou wast adjudged at the last court to make thy law; art thou come as thou oughtest?

Sir, saith he, yea, for see me here full ready to make that law.

And he made the law, and therefore he went quit, and his adversary in mercy.

[47] Bailiff, saith the steward, what hath been done about John atte Well?

Sir, he is distrained for his default.

[48] And what hast thou done about W. the Templar?

Sir, he is distrained to come.

Have him better distrained.

That will I, sir.

[49] What has been done about W. of Norton?

Sir, he is put by gage and pledges to come to this court, and he hath not come nor anyone for him.

Have him put by better pledges and be the first pledges attached to answer for not having him etc.

[50] William de la Zouche, thou art attached to answer in our court wherefore thy mare was found in the fields of the lord contrary to our prohibition.

Sir, I put myself in thy mercy. Pledges etc.

[51] And thou, E. the Clerk, thou art attached to answer in this court why thy sheep were twice found by night in the meadow of the lord.

Sir, saith he, I will do whatever pleaseth thee.

Wage an amercement.

That will I, sir.

- [52] E vos W. de la Croiz vos estes attache a respondre en cest cort porquoi vos pores furent trovez en les aveines le seingnur une foiz nutantre.

Sire jeo froi volunters vostre pleisir.

- [53] E vos Wauter de C. vos estes attache a respondre en ceste cort pur quoi xl. moutouns ensemblement od les berbiz furent trovez nutantre une foiz en les aveines le seingnor, coment volez le trespas amender.

Sire, fet il, volenters amenderai le trespas en dreit de ceste chose a vostre pleisir.

Si agagez la merci, fet le senescal, car droiture le condoune.¹

Jeo sire, fet il, puis que droiture le condoune¹ le frai volenters.

- [54] ² E vos Johan de Lewe vos estes attachez a respondre en ceste cort pur quoi e par quel hardement e par quel garant vos pristis hors vostre owaille sanz conge e sanz comandement hors de enparkement le seingnor, coment volez amender ceo grant trespas.

Sire, fet il, si vostre pleisir vos est, il furent sanz manger e sanz beverie treis nuz e treis jors, e par achesoun de ceo les pris jeo hors lenparkement pur les enbeverer.

Johan, fet le senescal, pur quoi ne furent il remenez.

Sire, si pleisir vos est, jeo ne fu pas de ceo conseil.

Johan jeo vos di en bon foi ke vos frez hautement les amendes.

Sire volenters a mon poer.

Venez doncques si nos agagez une merci.

Sire volenters.³

- [55] E vos Wauter le Parmenter vos estes attachee a respondre en ceste cort pur ceo que vos deniastes prendre vostre naam pur la dette que vos devez a J. de C. par agard de ceste cort, coment volez le trespas amender.

¹ Corr. condamne [?].

² Compare pl. 44.

³ S here gives pl. 26 and then pl. 55.

[52] And thou, W. of the Cross, thou art attached to answer in this court wherefore thy pigs were found a first time by night in the oats of the lord.

Sir, I will gladly do thy pleasure.

[53] And thou, Walter of C., thou art attached to answer in this court wherefore forty wethers together with the sheep were found by night a first time in the oats of the lord. How wilt thou amend the trespass?

Sir, saith he, I will willingly amend the trespass in this matter at thy pleasure.

Then wage an amercement, for justice condemneth it.

Sir, saith he, that will I gladly, since justice condemneth it.

[54] And thou, John atte Water, thou art attached to answer in this court wherefore and by what hardiness and with what warrant thou without leave and without commandment tookest thy sheep out of the pound of the lord. How wilt thou amend this great trespass?

Sir, saith he, if it please thee, they were without food and drink three days and three nights, and for this sake took I them out of the pound to water them.

John, saith the steward, why were they not put back?

May it please thee, sir, this was not by my counsel.

John, in good faith tell I thee that thou shalt make full high amends.

That will I, sir, to the best of my power.

Come then, wage us an amercement.

That will I, sir.

[55] And thou, Walter Parmenter, thou art attached to answer in this court for that thou didst resist the taking of a nam for the debt which thou owest to John of C. by award of this court; how wilt thou amend the trespass?

Sire a vostre volente.

Biaus amis W. agagez la merci.

Sire puis que autrement ne puit estre volenters.

- [56] E vos Wauter le Carpenter coment volez amender le trespas dont vos avez enfreinthe lassise de pain ore iij. foiz encountre le comun estat de la vile.

Sire, mes que vos ne prenez mie a mal jeo dedi tot pleinement que onques fors une foiz de iij. foiz que vos me metez sure ne fu lassise de pain enfraint de par moi en nule manere fors entan soulement que un pain fu trove en ma fenestre de meindre pris que estre ne deust.

Wauter jeo vos di en bone foi que iij. foiz vos dient les assayors de pain que vos auez este de ce atteint, coment volez vos aquiter.

Sire jeo enparlerai a vos congez.

De par deu, fet le senescal.

Sire, fet Wauter, le trespas que hom me met seure me soit pardone vos agage un amerciement.

E jeo le receif; plegges etc.¹

- [57] E vos Johan le Taillur vos estes attache a respondre en ceste curt pur plusurs vileines paroles que vos deussez aver esclandre le baillif le seingnor en grant despit le seingnor. Vos baillif queu est fet. Ne volez vos rien counter envers cest homme.

Sire, fet le baillif, si pleisir vos est nos sumus acordez e sumes une gent.

Biaus amis de ki nos surdira lamerciement.

Sire, fet il, de moi.

Jeo voil bien fet le senescal.

Ore la gagez si nos trovez plegges.²

- [58] E vos Geffrey de la More vos estes attache a respondre en ceste cort pur quoi ne esteiez mie a fere la vewe de une

¹ *S here gives pl. 30 and then pl. 57.*
33, 34, 35, 29, 36, 37, 58.

² *S now gives pl. 31, 32,*

According to thy will, sir.

Fair friend W., wage an amercement.

That will I, sir, since it may not be otherwise.

- [56] And thou, Walter Carpenter, how wilt thou amend the trespass whereby thou hast broken the assize of bread thrice contrary to the common statute of the vill ?

Sir, though thou mayest take it ill of me, I deny right fully that more than once out of the thrice that thou surmisest against me was the assize of bread in any wise broken by me, that is to say, save once when a loaf was found in my window of less weight than was right.

Walter, I tell thee in good faith that the assayors of bread say that thrice hast thou been attainted of this ; how wilt thou acquit thyself ?

Sir, by thy leave I will imparl.

In God's name, saith the steward.

Sir, saith Walter, let the trespass which is surmised against me be pardoned if I wage thee an amercement.

I receive it. Pledges etc.

- [57] And thou, John Tailor, thou art attached to answer in this court for divers villain words with which, so it is said, thou didst slander the bailiff of the lord to the great despite of the lord. Thou baliliff, what has been done ? Wilt thou not count aught against this man.

Sir, saith the bailiff, an it be thy pleasure, we have come to an accord and are at one.

Fair friends, from which of you shall the amercement come ?

Sir, saith he, from me.

So be it, saith the steward, therefore wage it and find us pledges.

- [58] And thou, Geoffrey atte Moor, thou art attached to answer in this court wherefore thou didst not come to the

hide de terre ov les *apurtences* en N. la quele W. le Marchant cleime *cum* son dreit vers R. de C. dont mesmes celi R. demanda la vewe si *cum* nos comandames de par le seingnor e en verite vos di que vos trespasstates grevement, coment le volez vos amender.

Sire en totes les maneres que bon soit solum deu e droiture.

Biaus amis Geffrei dreiture le voet e jeo mi assent que vos soiez en la merci de ceo que vos ne deignastes mie vener si *cum* vos avez le comandement. Ore le nos agagez.

Sire *volenters*.

Ici comence le play de la coroune en cort de baron.

Baillif.

Sire.

Fetes nos venir les prisons.

Sire *volunters*, veez les ci.

[59]

Baillif.

Sire.

Pur quoi est cest homme pris.

Sire pur une jument que il prist en le champ de C. en autre manere que fere ne deust.

Coment avez non vos daunmestre.¹

Sire jeo ai a non W.

Willame vos estes pris e atache en ceste cort pur une jument que ci est en present que vos deussez aver larcenusement pris en le champ de C., coment vos volez aquiter de ceste larcine e de totes autres.

Sire, si nul homme veut seure vers moi de larcine ou de nul autre chose que soit encontre le pees le Roi e sa coroune

¹ *I can make nothing else of this word. It is not dauncestre.*

view of a hide of land with the appurtenances in N. which W. Chapman claimeth as his right against R. of C. whereof the said R. demanded a view^a and we on the lord's behalf commanded one to be made. Of a truth I tell thee that thou hast trespassed grievously. How wilt thou make amends?

Sir, in all such wise as may be right before God and the law.

Fair friend Geoffrey, the law willeth and I agree that thou be in mercy for that thou didst not deign to come as thou wast bidden. Therefore wage the amercement.

That will I, sir.

Here beginneth plea of the crown in court baron.

Bailiff.

Sir.

Let the prisoners come before us.

That will I sir. Lo! they are here.

[59] Bailiff.

Sir.

For what cause was this man taken?

Sir, for a mare which he took in the field of C. in other manner than he ought.

What is thy name?

Sir, my name is W[illiam].

William, thou art taken and attached in this court for a mare, which is here present, which thou art said to have taken larcenously in the field of C. How wilt thou acquit thyself of this larceny and all others?

Sir, if any man will sue against me for larceny or any other thing that is against the peace of the king and his

^a In a real action the tenant has demanded a view of the land in dispute; Geoffrey was bidden to take part in the view.

jeo sui *prest* a defendre moi par mon cors que jo sui bons e liaus.

W. ore me responez coment e *par* quele cointise avenistes vos a cele jument, au meins vos ne poez desdire que ele ne fu troeve od vos e pur la vostre la vouastes.

Sire jeo dessavou cele jument que onques ne la vi avant ore.

W., donc vos poez mult hardiement mettre en les bones genz de ceste vile que vos ne le emblastes pas.

Sire, nanail, ils sunt les uns que ount le quer gros envers moi e mult me hoent *par* acheison de ceste fame que mest mis sure.

W., quidez vos que li ait nul *que* veut comander son cors e sa alme aui diables pur vos ov pur vostre amor ov pur vostre haunge: certes nanail, il sunt bone gent e leaus e vos hostez de ceste bone gent tuz ceus que vos avez en suspecion de vos mettre a dampnaciun, mes fetes bien e eiez deu avant vos oeuz e reconussez la *verite* de ceste chose e des autres que fetes avez, e ne vos donez mie tut a lentissement du diable mes reconussez la *verite* e vos nos trovez le plus merciabes.

Sire pur deu eiez piete de moi, e jo vos reconustrai la *verite* e me mettrai tut en vostre liaute.

Willame *par* ma liaute vos ne averez si dreiture non. Ore ditesceo que vos volez e rien ne nos celez.

Sire ma *grant* poverte e ma *grant* meseise e lentissement du diable me fist ceste jument larcenousement prendre e sovent me out autre chose fet fere que fere ne deveray.

Deu le vos pardoint fet le *senescal*. W. au meins avez reconu en ceste cort que vos larcenousement pristez ceste jument e ke plusurs autres maus avez fet. Nomez nos aucuns de vos *compaignons* car il ne puet estre que vos navez eu *compaignie* en vos maweises oevers.

crown, I am ready to defend myself by my body that I am good and lawful.

W[illiam], now answer me by what device thou camest by this mare ; for at least thou canst not deny that she was found with thee, and that thou didst avow her for thine own.

Sir, I disavow this mare, and never saw I her until now.

Then, W[illiam], thou canst right boldly put thyself upon the good folk of this vill that never thou didst steal her.

Nay, sir, for these men have their hearts big against me and hate me much because of this ill report which is surmised against me.

Thinkest thou, W[illiam], that there be any who would commend his body and soul to the devils for thee or for love or for hatred of thee ? Nay verily, they are good folk and lawful, and thou canst oust^a from among them all those whom thou suspectest of desiring thy condemnation. But do thou what is right and have God before thine eyes and confess the truth of this thing and the other things that thou hast done, and give not thyself wholly to the enticement of the devil, but confess the truth and thou shalt find us the more merciful.

Sir, in God's name have pity of me and I will confess to thee the truth, and I will put me wholly upon thy loyalty.^b

William, by my loyalty thou shalt have naught but justice ! Say therefore what thou wilt, and conceal naught.

Sir, my great poverty, and my great neediness and the enticement of the devil made me take this mare larcenously, and often have they made me do other things that I ought not to have done.

God pardon thee, saith the steward. W[illiam], at least thou hast confessed in this court that larcenously thou tookest this mare and hast done many other ill deeds ; now name some of thy fellows, for it cannot be but that thou hadst fellowship in thy evil deeds.

^a You can challenge your jurors.

^b Or *thy lawfulness*.

Verroiemment sire, jeo noi onques compaignie en mes mauveises fez fors soulement le malfe.¹

W. volez autre chose dire ov autre chose conustre.

Sire nanail.

Baillif.

Sire.

Fet le retrere, si fetes lui aver le prestre.²

[60] E vos W. de Multone vos estes pris e attache en ceste cort pur le concelement de iij. boifs que vos avez larcenusement ressettez puis la feste Seint Pere le Adwincula jesques en sa, coment volez vos aquiter.

Sire, fet il, jeo les avou bien pur les miens e que les achatai fraunchement pur mes deners en la feire de C. e que autre chose me met seure prest sui a deffendre les cum les miens liaument achatez.

E puis que les achatastes en la feire de C. odue³ marchanz de diverses marchaundises e de diverse pais pur acheter e vendre de vos deners liaument si cum vos dites pur quoi les avez si celement musse tant de tens⁴ il semble que malement les avez purchace, il covent que vos vos aquitez en autre manere de si cum iliaid une mawaise presumpcioun, et de totes autres choses mettrez vos en le bone gent de ceste vile.

Sire, nanail, jeo nai mester a ceo que me semble, de si cum jeo sui prest a defendre par mon cors les avantdites bestes cum mon propre chatel.

E jo di bien pur moi ke ci iliaid nul qui ci soit que voille ceste chose prover sur vos ne mie pur ceo pur la maweyse fame que vos avez de ceste chose e de plusurs autres nos avumus bone esperaunce e pur voirs le sentums nos que vos etes malement avenu a ses

¹ *In Camb. Univ. Mm. i. 27, f. 128 a criminal confesses to having acted 'par attisement de maufe.'*

² *So in MS. just cited a justice gives judgment in the euphemistic phrase 'Baillif fetes ly aver le prestre'*

³ *Corr. ou vint [?].*

⁴ *In the treatise on pleas of the crown referred to above (Camb. Univ. Mm. i. 27, f. 128) there is a similar though longer conversation. In answer to the question why he kept the beasts secretly, the accused replies: 'Sire je les ay tenu si closes pur engresser encountre la seson de la Seint Martin, kar grosse bestes sunt plus tost vendues ke ne sont megres.'*

Of a truth, sir, never had I companion in my evil deeds save only the fiend.

W[illiam], wilt thou say or confess aught else?

Nay, sir.

Bailiff.

Sir.

Take him away, and let him have a priest.

[60] And thou, W. of Multon, thou art taken and attached in this court for the concealment of three oxen which thou didst larcenously receive from the feast of St. Peter at Chains until now. How wilt thou acquit thyself?

Sir, saith he, I avow them as my own, and that I bought them freely with my money in the fair of C., and as to aught else that thou surmisest against me, ready am I to defend them as my own and lawfully purchased.

And if thou didst buy them with thy money in the fair of C., whither come merchants with divers merchandises to buy and sell, as thou hast said, why didst thou hide them so secretly for so long a time? It seemeth to me that thou didst come by them in some evil manner. It is seemly therefore, that thou shouldest acquit thyself in other wise, for that there is an evil presumption against thee; and of [this and of] all other matters thou shouldest put thyself upon the good folk of this vill.

Nay, sir, I am not put to that as it seemeth to me, for that I am ready to defend by my body the aforesaid beasts as my own proper chattel.

And I say of a truth for my part, that if there be none who will prove this thing against thee, none the less on that account because of the ill report which thou hast as to this thing and other matters, we have good hope^a and hold it for truth that thou didst come by these beasts wrongfully.

^a This expression of hope that the accused is guilty seems hardly decent, but what else can we make of our text?

bestes. Ore responez en autre manere si vos quidez que bon soit.

Sire oncore vos respoingne jo cum avant, que si iliait nul homme que voeille *pursure vers moi* que jo sui malement avenuz a ses bestes prest sui a defendre les aussi cum mon propre chatel liaument achate par mon cors.

Sire, volez autre chose dire ov entrer en autre respons.

Sire, nanail.

Baillif.

Sire.

Fete le amener a la prison le Roi.

[61] Baillif.

Sire.

Qui *pursuit vers* cest homme.

Sire, fet il, H. de C.

Jeo sui ici prest.

Ore contez vers li.

Sire, fet il, jeo me pleing de Adam que la est quil encontre la pees deu e la pees le Seingnor e la vostre que avez la pees agarder e ameintener vint teu jor ou an que fu nutantre tut droit al primer somoil e les hus de ma meison enginnusement overi e larcenusement ientra e felunessement cum felun e larcenussement cum larroun ces choses dont jeo li vei ici en seysine prist e enporta e moi e ma femme des cordes fermement nos lia nomement nos mains e nos piez e si felunessement que nos ne avumus poer en ceste vie de crier ne de nos meismes aider, tant cum il prist ceo que ci est en present e lenporta. Quant il avoit ceste felunie e ceste roberie fete en la manere que jeo vos ai conte senfui tantost a une conpaingnie quil avoit mult¹ prestement en costant en la meison Johan de C. que mult debonerement afforce de larroun fu resseu e recoilli e nomenment pur mes biens quil enporta ; moi e ma femme iumes

¹ *mlt*.

Therefore, answer in some other wise if thou thinkest well so to do.

Sir, once more I answer thee as before that if there be any man who will sue against me that I came by these beasts wrongfully, ready am I to defend them by my body as my own proper chattel lawfully purchased.

Sir, wilt thou say aught else or give other answer ?

Nay, sir.

Bailiff.

Sir.

Have him taken to the King's prison.

[61] Bailiff.

Sir.

Who pursueth against this man ?

Sir, saith he, H. of C.

I am here present [saith H. of C.].

Then count against him.

Sir, saith he, I complain of Adam, who is there, that against the peace of God and the peace of the lord and thine who art charged to guard and maintain the peace, on such a day and year came he by night just at the time of first sleep, and fraudulently opened the doors of my house and larcenously entered and feloniously as a felon and larcenously as a larcener these things of which I see him here in seisin^a took and carried away, and my wife and me tightly bound with cords, to wit, by our hands and our feet, and so feloniously that we had no power on earth to cry or help ourselves, and thereupon he took the things here present and carried them off. And when he had done this felony and this robbery in such wise as I have counted to thee, he straightway fled to a fellowship which he had right near at hand in the house of John of C., where he was right gladly received and harboured on account of the larceny and notably of my goods which he carried off. I and my wife

^a The stolen goods have been bound on to the back of the accused, and he is counted against as a thief in seisin, a hand-having, back-bearing thief.

la lies jesques a cler jor que mes veysins me hucherent a la charue ki del hus debriser se aparceurent e entrerent¹ e moi e ma femme en la manere cum jeo vos ai conte lies troverent si nos delierent, e quant nos fumes deliez freschement levames hu e cri sur lui si cum sur felun, e suimes par la suite de ceste viles desques a la meisoun Johan de C. ou nos les trovamus enginnussement mussez e larcenussement ressette odvesques tot la roberie que ci est enpresent. Si conustre le voet bial nos est sil le dedist a tort le dedist, car jo sui prest de prover le envers lui par mon cors ou en totes les maneres que ceste cort agarde que prover le deive sur lui cum sur felun.

Edoncques dit le senescal. Adam vos estes pris e attache en ceste cort pur ceste draperie que ci est enpresent dount vos meismes estes en seysine que felunessement cum felun e larcenussement cum larroun pristest e enportastes nutantre si cum H. ad vers vos counte, coment vos volez aquiter.

Sire, fet Adam, jo vos di tut pleinement que cest draperie qui ci est enpresent me est adosse par mal engin fausement, e pur un mauueise coveitise pur moi mettre a male mort noun pas pur mes desertes ne pur mon trespas que fet ai enz soulement e tut pleinement fausement e mauueisement pur moi liverer a male mort, e que onques sa meisoun nutantre felunessement cum felon ne larcenussement cum larron ne entrai ne ceste draperie ne enportai me met jeo bien en la juree de ceste vile, de bien e de mal communement.

Ideo inquiratur.

[62] Sire par mesme les moz e de mesme le jor e de mesme la nuit e de mesme le houre e de mesme lan e de mesme le lu certain se pleint H. que ci est de Johan de C. qui la est que il encontre la pees deu e la pees le seingnor etc. ressetta le devantdit Adam par la reison que il a sa meisoun odvesques tut le draperie prise felunessement e larcenussement

¹ Les veisins les hucherent a la charue ke del heus debrise se aperceurent e entrerent *Mm. i. 27, f. 127.*

we lay there bound until daybreak, when my neighbours called me to the plough, and they perceived us through the broken door and entered and found me and my wife bound in such wise as I have counted to thee, and unbound us, and when we were unbound we straightway raised hue and cry against him as against a felon, and pursued him with the suit of this vill to the house of John of C., where we found him fraudulently hidden and larcenously received with all the pelf that is here before thee. If confess he will, fair that seemeth to us ; if he will deny, wrongfully he denieth, for ready am I to prove it against him as a felon by my body or in such other wise as this court shall award that prove it I ought.

Then saith the steward: Adam, thou art taken and attached in this court for this drapery which is before us, whereof thou art thyself in seisin, that feloniously as a felon and larcenously as a larcener thou didst by night take it and carry it away as H. hath counted against thee. How wilt thou acquit thyself?

Sir, saith Adam, I tell thee right fully that this drapery which is present was put on my back by falsehood and fraud and by evil greed against me, to put me to an evil death, not for any ill deserts of mine or trespass done by me, but simply and solely by falsehood and wickedness to hand me over to an evil death ; and that never did I enter his house by night feloniously as a felon nor larcenously as a larcener nor carry off these clothes, I willingly put myself on the jury of this vill alike for good and for ill.

Therefore let an inquest be made.

- [62] Sir, by the same words and of the same day, night, hour, year, and place, complaineth H., who is here, against John of C., who is there, for that he, against the peace of God and the peace of the lord etc., received the aforesaid Adam, who was in his house with all the said drapery feloniously taken and larcenously carried away, and there

enporte fu, e la fu ressette jesques atant que mesmes cesti H. odvesques la suite de ceste vile illoeques les pristrent e a vostre prisoun lamenerent, sil le dedit atort le dedit etc. car il en est prest de prover le envers lui par son cors ou en totes les maneres que ceste cort agarde ke prover le deit si tost cum il avera sa dereine fet vers le devant dit Adam.

E donc dit le *senescal*, vos Johan de C. coment vos volez aquiter de cel ressettement e de totes autres feluns e maweis recettemenz.

Sire, fet il, jo demand tut pleinement allowaunce e jugement soulement si jo sui tenu arespondre del recettement dont il se pleint ke un Adam li deust aver fet principaument avant ke lavantdit A. soit atteint del principal fet ou noun.

E donc dist le *senescal*, Johan fet nos est entendre que vos herbergez acune foiz tele gent par iij. nuiz entierement ensemble encontre le statut de ceste vile, coment vos volez aquiter.

Sire, fet il, sauf a moi mon primer respons jeo me met bien tut pleinement en deu e en cest bone gent de bien e de mal communement que onques si bien non¹ ne herbergai a mon escient, si vos pri pur deu omnipotent que ceo soit quis ententivement.

Ideo inquiratur.

Ici finist le cort de baroun e le office le *senescal* e apres la plee de la corune solum le usage de cort de baroun.

¹ Corr. *si long tens* [?]

was he received, until the said H. with the suit of this vill caught them there and took them to thy prison; if he will deny, wrongfully he denieth etc., for he [H.] is ready to prove it against him by his body or in all such wise as this court shall award that prove it he ought, so soon as he shall have made his deraignment against the said Adam.

Then saith the steward: John of C., how wilt thou acquit thyself of this receiving and of all other felonious and evil receivings?

Sir, saith he, I demand right fully allowance^a and judgment merely whether or no I am bound to answer of this receiving, whereof he complaineth that one Adam hath done the principal deed, before that the said Adam is attainted of the principal deed.

Then saith the steward: John, it is given us to understand that thou dost sometimes harbour such folk for three whole nights together against the statute of this vill. How wilt thou acquit thyself?

Sir, saith he, saving to myself my first answer,^b I put myself right fully upon God and these good folk alike for good and for ill, that never did I harbour for so long a time to my knowledge, and I pray thee for the sake of God Almighty that this be carefully inquired.

Therefore let there be an inquest.

Here endeth the Court Baron and the Office of the Steward, and then Plea of the Crown according to the usage of Court Baron.

^a In Latin, *Peto hoc mihi allocari*.

^b 'Without prejudice' to the answer that I have already given.

II. DE PLACITIS ET CURIIS TENENDIS.

Intellige quod aliter placitatur in curia domini Regis coram justiciariis de banco, aliter coram justiciariis itinerantibus, aliter in aliis curiis ejusdem ut in comitatibus et hundredis, aliter in curiis comitum, baronum, militum et libere tenencium, episcoporum, abbatum et priorum et aliorum religiosorum qui libere tenent secundum suas certas libertates vocantur.¹ Qui igitur placitant vel curias tenere debent cujusmodi sunt justiciarii, senescalli, ballivi diversi, puta vicecomites, hundredarii et ballivi maneriorum, bene custodiant literam suam per quam talem potestatem habent et tales sunt facti, nec aliquo modo transgrediantur fines mandati vel faciant aliquid quam illud quod continetur in litera. Item sciat que consuetudines sunt in illo comitatu, hundredo,² curia vel manerio et que libertates ad premissa pertineant, quia jura in diversis locis et consuetudines diversimode de se habent, et articulos francise vel consuetudines et atachiamenta in manu habeant ut per ordinem possit placitari.

Item habeat rotulos placitorum vel curiarum prius tentarum ut si aliquod placitum vel querela non terminata fuerit possit per rectum et justiciam procedere terminare.

Item sciat quod secundum consuetudinem patrie statuitur major terminus vel minor in curiis tenendis. Item sciat quod tantum bis in anno tenetur curia visus franciplegii et quod omnes masculi laici habentes etatem xij.

¹ Sic.

² *comitu, hundredar*, MS.

II. HOW TO HOLD PLEAS AND COURTS.

late 13c from
written by B.M.

Thou shouldest understand that there is one manner of pleading in the court of our lord the King before the justices of the bench, another before the justices in eyre, another in his other courts such as counties and hundreds, and another in the courts of earls, barons, knights and freeholders, bishops, abbots, priors, and other men of religion who have freeholds [according to their various rights, which are called franchises^a]. They therefore who plead or have to hold courts, whosoever they be, justices, stewards, bailiffs of various kinds, as for instance sheriffs, hundredors and bailiffs of manors, should diligently observe the letter which gives them this power and makes them what they are, and should in no wise transgress the limits of their mandate or do otherwise than is contained in the letter [whereby they are appointed]. Also such an one should know the customs of that county, hundred, court or manor, and the franchises pertaining to the premises, for laws and customs differ in divers places, and should have the articles of the franchise and the customs and the attachments in his hand that the pleading may be in due order.

sup 79

Also he should have the rolls of courts and pleas previously holden, so that if any plea or plaint hath not been determined he may proceed to determine it according to right and justice.

Also he should know that according to the custom of the country, courts are holden sometimes at longer, sometimes at shorter intervals. Also that the court of the view of frankpledge should be holden but twice a year, and that all male laymen of the age of twelve years, who have made

^a The original text seems corrupt.

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Set 100m 10

annorum qui solverunt majori in hundredo¹ vel francisi² debent esse in franciplegiagio vel thewinga quod idem est.

Item sciat quod nomina eorum debent scribi in uno rotulo et dividi per thewingas vel decenas et bis in anno legi, scilicet, ad curiam franciplegii ut possit videri si faciant sectam sicut facere debent et ut possint revocari ad dominum suum si aliter fuerint detenti.

Item sciat quod [quando³] senescallus novus factus fuerit vel itinerans debet premunire ballivos hundredi vel maneriorum per literas suas de curia vel hundredo submonitando.

Item sciat quod nunquam movebitur aliquod placitum versus aliquem in capitali curia domini Regis nisi per breve a curia domini Regis veniens, et tunc accepta securitate de proseguendo summonebitur ille qui tenet per bonos summonitores quod veniat responsurus in aliqua predictarum curiarum secundum quod dicitur in brevi super hoc, quia non tenetur quis respondere alicui de libero tenemento suo in aliqua curia domini sui extra franchisam nisi per breve a curia domini Regis directum quod breve cum quis ostendit⁴ clericus curie illud inrotulabit et precipietur a curia quod deforciator legitime⁵ sumonicetur.

Item sciat quod sumonitus potest facere se essoniari legitime⁶ secundum consuetudinem curie et post⁷ essoniis elapsis et districtionibus factis per considerationem curie loquela deduci poterit et per iudicium terminari.

Item sciat quod si curia domini de recto⁸ defecerit, poterit loquela transferri ad comitatum vel ad justiciarios de banco et ibidem terminari et deduci.

Item sciat quod in quantum poterit debet omnes

¹ *hundred*, MS.
MS. is *oñdit*.

⁷ *pro*, MS.

² Sic.

⁵ The word in MS. is *lumē*.

⁸ *directa*, MS.

³ Not in MS.

⁴ The word in MS. is *limē*.

⁶ *limē*, MS.

payment to the mayor [or elder of the tithing] in the hundred or the franchise,^a should be in a frankpledge or, which is the same thing, in a tithing.

Also he should know that their names should be written on a roll and be divided into tithings and be read twice a year at the court of frankpledge, that it may be seen whether they make suit as they ought and may be recalled to their lord in case they be detained elsewhere.

Also he should know that when a new steward is made or the steward is about to make his circuit he should warn the bailiffs of the hundred or of the manors by his letters that they may summon the hundred or the court.

Also he should know that no plea is ever moved against any in the chief court of our lord the King save by a writ coming from the King's court, and then, security for prosecution having been taken, the tenant shall be summoned by good summoners to come and answer in one of the afore-said courts according to the words of the writ; for no one is bound to answer to any touching his freehold in any court of a lord, unless there be a franchise,^b save by a writ coming from the King's court; and when one proffers such a writ then the clerk of the court shall enroll it and the court shall order that the deforceor be lawfully summoned.

Also he should know that the person summoned may cause himself to be lawfully essoined according to the custom of the court, and then when the essoins are over and the distresses have been made, the suit may be prosecuted according to the award of the court and determined by judgment.

Also that if the court of the lord maketh default of right the suit may be transferred to the county or to the justices of the bench and there be prosecuted and determined.

Also he should know that to the best of his power he

^a The text seems to be corrupt. It will be seen below that when a person enters frankpledge he pays a penny.

^b Only the most exalted franchises—e.g. the palatinates—make necessary this saving clause.

querelas justo iudicio terminare festinanter et defectus *fecere*¹ emendare, que sunt sub potestate sua, et querelas omnium conquerencium pacienter audire, pauperes sustentare, nec prece, premio, nec spe lucri alicujus injuriam facere vel male judicare tenetur, set sit in sermone verax, in iudicio justus, in consilio providus, in commisso fidelis, in ² strenuus, in bonitate conspicuus, et in universa morum honestate preclarus, quia sic potest reddere que sunt Cesaris Cesarii³ et que sunt Dei Deo, iudiciumque ejus stabit in eternum ac erit nomen ejus in laude, et sic de balliva parva in regnum transfert illum qui suscitatur de pulvere egenum et de stercore erigit pauperem ut sedeat cum principibus et solium glorie teneat.

[Litere senescalli ad ballivum.⁴] A. de B. senescallus domini N. de C. ballivis de Burtone salutem. Quia hac instanti die Veneris proxima post Purificacionem ad partes vestras venire proponimus vobis mandamus quatinus ad dictum diem hundredum vel ad ⁵ curiam secundum consuetudinem manerii summonitari faciatis et ut cetera que ad hujusmodi negocium pertinent quantum in vobis est prompta sint et parata. Valete. Datum. vel sic. Quia generalem curiam domini Wintoniensis die Sabbati proxima post festum S. Valenti⁶ apud N. tenere proponimus, vobis mandamus quatinus omnes debentes sectam dicte curie sint ibidem summo mane coram nobis facturi quod de recto fuerit faciendum, quia inde ad prandium nostrum apud N. tenta curia tempestive declinavimus⁷ vel transibimus. Valete. Datum. vel sic. A. de C. senescallus domini P. universis ballivis per honorem de Clara constitutis vel per episcopatum Wintonie constitutis salutem. Quia generalem circuitum nostrum hac instanti die Jovis incipere proponimus, vobis mandamus quatinus singuli vestrum ad dies subscriptas curias vestras contra adventum nostrum faciatis summoneri. Tu ballive A. ad diem Jovis post festum S. Hyllari. Tu ballive de C. ad diem Sabbati sequentem. Tu ballive de A. ad diem Lune proximo sequentem etc. Salvete.⁸

¹ Corr. *facere* [?].
⁵ Sic.

² *l'uentu*, MS.
⁷ Corr. *declinabimus*.

³ Sic.

⁴ In margin.
⁸ *Sal'*, MS.

ought to determine all suits justly and speedily and cause all defaults to be amended, which are within his power, and patiently hear the complaints of all plaintiffs and maintain the poor, nor for price, nor gift, nor for hope of gain, should he do wrong to any or judge amiss, but he should be true in word, just in judgment, wise in council, faithful in trust, strenuous in [deed], eminent in kindness, and excellent in all honourableness of life, for thus he may render to Cæsar the things that be Cæsar's and to God the things that be God's, and his judgment shall endure for ever, and his name shall be in praise, and so from his little bailiwick he shall be transferred to a kingdom by Him who taketh the needy from the dust and lifteth up the poor out of the mire, and so he may sit with princes and hold a throne of glory.

The steward's letter to the bailiff:—A. of B. steward of Sir N. of C. to the bailiffs of Burton greeting. For that on Friday next after the Purification we purpose to visit your parts, we command you that for the said day ye do cause to be summoned the hundred, or the court, according to the custom of the manor, and that all other things that pertain thereto be ready and prepared to the best of your power. Farewell. Given this etc.—Another form:—For that we purpose to hold the general court of the lord bishop of Winchester on Saturday next after the feast of St. Valentine at N., we command you that all who owe suit to the said court be there at daybreak before us to do what of right ought to be done, for we shall go thence to our dinner at N. betimes. Farewell. Given this etc.—Another form:—A. of C. the steward of Sir P. to all the bailiffs throughout the honour of Clare, or, the episcopal barony^a of Winchester, greeting. For that we purpose to begin our general circuit on Thursday next, we command you that each of you do cause his court to be summoned for the days named below to meet us. Thou bailiff of A. on Thursday after the feast of S. Hilary. Thou bailiff of C. on the following Saturday. Thou bailiff of A. on the following Monday. Farewell.

^a This seems the meaning of *episcopatus* in this context.

Cum pervenerit ad locum et horam curie tenende incipiat clericus sub forma aliqua sequencium secundum quod contingit.

Curia domini Regis Henrici filii Regis Johannis tenta aput B. die Jovis proxima post festivitatem S. Hyllari anno regni ejusdem Regis liii^{to} per dominum A. de E. militem justiciarium vel senescallum vel ballivum¹ constitutum sub hac forma. Henricus Dei gracia Rex Anglie, Dominus Hibernie etc.—et prescribatur tota litera.

Curia domini A. de C. comitis, baronis, militis tenta aput B. die tali anno regni Regis Henrici liii^j. per dominum R. de N. militem senescallum suum constitutum sub hac forma. J. de Clare Comes Glovernie etc.

Curia domini A. Wintoniensis Episcopi tenta aput N. die tali anno consecrationis ejusdem iiij. per dominum A. etc. A. miseracione divina etc. Wintoniensis.

Clerici—Abbatis de C.—Prioris vel clerici etc. tenta aput N. die tali anno domini m^o cc^o lx^o ix^o etc.

Articuli intrandi.² Si omnes xij. annorum sint in libero plegiagio et quis tante etatis non est in libero plegiagio. Si quilibet capitalis plegius sit³ quos et quot habeat in sua tewinga. Si omnes debentes sectam ad curiam sint ibidem et quis sit absens. Et si franchisa bene fuerit servata et per quem fuerit diminuata. Si assise panis et servisie sint servate et quis non servavit assisam. De utesio levato et persecuto. De sanguine fuso. De aqua mutata. De muro et fossa de novo levatis et chemino de novo facto. De hospitatoribus extraneorum et receptoribus malorum et de vigilantibus de nocte secundum statutum curie. De ponti-

¹ *senescalli vel ballivi*, MS.
or *sciat* [?]

² Corr. *inquirendi* [?]

³ Corr. *scit*

Then at the place and time for holding the court the clerk shall begin to write in one of the following forms, as the case may be.

The Court of the Lord King Henry ^a son of King John holden at B. on Thursday next after the feast of S. Hilary in the fifty-fourth year of the reign of the King aforesaid by Sir A. of E. knight, justice, or steward, or bailiff, appointed in the form following:—Henry by the grace of God, King of England, Lord of Ireland etc.—the whole letter [of appointment] being copied.^b

see Reg. Pontificis
offering. etc.

Court of Sir A. of C., earl, baron, knight, holden at B. on such a day in the fifty-fourth year of King Henry by Sir R. of N. knight, his steward appointed in the form following:—J.^c of Clare, Earl of Gloucester etc.

Court of the Lord A.^d Bishop of Winchester holden at N. on such a day in the fourth year of his consecration by Sir A. etc.:—A. by divine mercy Bishop of Winchester etc.

In case of a clerk—of the Abbot of C.—or of such a Prior or clerk—holden at N. on such a day in the year of Our Lord 1269.^e

Articles of the inquest. Whether all of the age of twelve years be in frankpledge, and who of that age is not in frankpledge. Whether every chief pledge knoweth how many and who are in his tithing. Whether all they who owe suit of court are present, and who is absent. And whether the franchise be well kept and by whom it hath been impaired. Whether the assizes of bread and beer be kept, and who hath not kept the assize. Of hue levied and pursued. Of bloodshed. Of watercourses diverted. Of walls or ditches newly made and of ways newly made. Of receivers of strangers and harbourers of evil-doers, and of those who ought to watch by night according to the statute of the court. Of bridges and causeways broken, and of

Ranney

For Great see Cum
For Year see Select

^a This would be one of the King's manorial courts.

^b But it was not common to set out the steward's letter of appointment on the roll.

^c A purely imaginary person.

^d Probably an imaginary bishop.

^e The point is that a layman dates by the regnal year, a bishop by the year of his pontificate, a clerk by the year of grace.

bus et calcatis fractis et cheminis emendandis. De tailagiis et pacacionibus injustis receptis a transeuntibus. Postea de ceteris querelis, placitis et casibus contingentibus.

Et sciendum quod clericus curie debet omnia abbreviare scil. que sunt facta in curia prout contingit de facto sic:— A. tenta aput B. in crastino S. Valentini anno tali, vel eodem etc. Statuitur hundredus vel curia primum aput C.¹ die tali primo inquisivit senescallus utrum omnes sectatores curie essent ibidem et testatum est quod sic, vel testatum est quod N. de P. non fecit sectam sicut facere deberet ad duas curias precedentes, et preceptum est quod distringeretur ut veniret factururus finem proxima.

Item inquisitum fuit si omnes xij. annorum in libero plegiagio essent, et si aliquis esset vacans² ibi qui non esset in libero plegiagio, et testatum fuit quod N. Marescallus locuit domus³ unam cuidam extraneo qui non est in libero plegiagio, et preceptum est quod ille extraneus destringatur quod ponat xij. den.⁴ se in tewinga vel quod recedat a villa, et dictus N. Marescallus remanet in misericordia pro hospitacione sine licencia, plegii N. et N. Item testatum est quod duo filii N. Marescalli qui sunt xx. annorum et manent cum patre suo non sunt in tewinga, et preceptum est quod distringantur vj. den. ad ponendum eos in tewinga ad proximam curiam, et N. Marescallus remanet in misericordia quia tamdiu tenuit ipsos extra tewingam.

Item quesitum fuit de capitali plegio⁵ utrum sciret quot et quos haberet in thewinga sua, et testatum fuit quod sic . . .⁶ nominibus singulorum inventum est R. Fabrum concellasse N. et N. qui transtulerunt se super terram Preceptoris Milicie Templi, et preceptum est quod distringantur ij. sol. quod veniant cum bonis suis super terram domini sui, et dictus R. remanet in misericordia pro concelamento.

Item quesitum est vel fuit utrum franchisa fuerit bene servata et si per aliquem fuerit diminuata, et testatum fuit quod serviens de C. deforciat tenentes domini quod non

¹ The text seems corrupt. ² Corr. *manens* [?] ³ Sic. ⁴ The amount of an amercement has got into the wrong place. ⁵ *capital' pleg'* MS. ⁶ A word which appears to be *uctus* or *uettus*; perhaps it should be *lectis*.

ways to be repaired. Of tallages and payments wrongfully exacted from those who journey. And afterwards of other plaints, pleas and cases that have arisen.

And be it known that the clerk of the court ought to note down all that is done in the court as it happens, thus :—[Court of] A. holden at B. on the morrow of S. Valentine—or, The hundred or court is holden at C. on such a day. In the first place the steward inquired whether all the suitors of the court were there; and it was witnessed that they were; or, it was witnessed that N. of P. did not make suit at the last two courts; and it was commanded that he should be distrained to make fine at the next court.

Also it was inquired if all of the age of twelve years were in frankpledge, and whether anyone was dwelling there who was not in frankpledge. And it was witnessed that N. Marshall has let a house to a stranger who is not in frankpledge; and it is commanded that the stranger be distrained to put himself in a tithing or else to leave the vill; and the said N. Marshall is in mercy, 12 d., for receiving without licence; his pledges are N. and N. Also it is witnessed that two sons of N. Marshall who are of the age of twenty years dwell with their father and are not in a tithing. And it is commanded that they be distrained to put themselves in a tithing before the next court, and N. Marshall is in mercy, 6 d., for keeping them so long out of tithing.

Also it was inquired of the chief pledge whether he knew how many and whom he had in his tithing. And it was witnessed that he did, [but on reading] the names of the several persons it is found that R. Smith has concealed N. and N. who have removed themselves into the land of the Preceptor of the Knights Templars. And it is commanded that they be distrained to return with their chattels to the lord's land, and the said R. is in mercy, 2 s., for the concealment.

Also it is (or was) inquired whether the franchise hath been duly kept and whether it hath been impaired by any. And it was witnessed that the sergeant of C. deforces the

possint piscari in Charwelle sicut soliti fuerunt, et preceptum est quod ballivus cum tota franchisa adeat dictam aquam¹ et faciat piscari et si per balliviam suam² et salvo custodire donec invenerint plegios de transgressione domino in curia sua emendanda.

Item inquisitum fuit utrum assise servisie et panis et alie assise curie essent fideliter observate an non, et testatum fuit quod ultima taberna, vj. den., W. Venatoris non fuit de assisa, unde ipse remanet in misericordia, plegii N. et N. etc. Item tota curia, vel hundredus vel patria conquerebatur de assisa panis et servisie male servata cum forum³ bladi esset emendatus,⁴ et per consideracionem curie vel hundredi preceptum fuit quod in posterum clamaretur quod iiij. galones venderentur ad j. den. in villa ruralibus⁵ et in villa mercatoria iiij. galones et quod iiij. panes fierent ad den. per totum hundredum.

Item quesitum de hutesio etc. et tales iiij. villate vel capitales plegii presentant hutesium factum tali die et narrant quod contingit die Lune proxima post festum S. Andree quod M. uxor Messarii et E. uxor vicini sui furnantes simul ad furnum unum videlicet N. talis et quod rixa mota fuit inter eos pro perdicione panis unius extracti a furno et dicte vetule pugnabant per capillos et hutesium levaverunt; mariti⁶ earum hoc audientes accurrerunt et magnam medletam fecerunt. Unde per consideracionem curie dicte vetule medletam facientes et hutesium levantes ponebantur in misericordia. In respectum. Et preceptum est quod dicti N. et E. distringerentur quod veniant facturi finem pro misericordia ad proximam curiam. Et ita de ceteris secundum quod contingit.

Quidam latro captus cum manuopere videlicet cum talibus pannis et blado et carne etc. captus tali die et ductus ad curiam ab illis qui eundem latronem ceperunt sic est appellatus. Nos A. B. C. appellamus istum N. quod nocturno tempore domum suam⁷ assultavit et suffodit in pace Dei et domini Regis et domini N. et dictas res furatus est et fugit

¹ The word seems to be *acram*. ² Sic. ³ *for*' MS. ⁴ Or *emen-*
datur. ⁵ Sic. ⁶ *narici* MS. ⁷ *Corr. nostram* [?].

lord's tenants from fishing in the Cherwell as they were wont. And it is ordered that the bailiff with the whole franchise do go to the said water and cause it to be fished and do cause it to be safely guarded throughout his bailiwick until [the deforceors] shall find pledges to amend the trespass to the lord in his court.

Also it was inquired whether the assizes of bread and beer and other the assizes of the court be faithfully observed or no. And it was witnessed that the last brew of W. Hunter was not according to the assize. Wherefore he is in mercy, 6 d.; pledges, N. and N. etc. Also the whole court, or hundred, or country, complaineth of the assize of bread and beer being badly kept [since the market for corn hath improved]. And by judgment of the court or hundred it was commanded that for the future it should be proclaimed that in country vills four gallons be sold for a penny and in the market town three gallons, and that four loaves be sold for a penny throughout the hundred.

Also inquiry was made of hue etc. And four townships namely etc. (or the chief pledges) present that hue was raised on such a day, and they say that it fell out on Monday next after S. Andrew that M. wife of the hayward and E. wife of a neighbour were baking at an oven, to wit, that of N., and a dispute arose between them about the loss of a loaf taken from the oven, and the said old crones took to their fists and each other's hair and raised the hue; and their husbands hearing this ran up and made a great rout. Therefore by award of the court the said women who made the rout and raised the hue are in mercy. Amercement respited. And it is ordered that N. and E. [the husbands] do make fine for mercy at the next court.—And so on with other cases as they arise.

A thief taken with the mainour, to wit, certain clothes, and corn and meat etc., is captured on such a day and brought to the court by those who took him and is thus appealed. We A. B. C. appeal this N. for that by night he assaulted and dug through our house in the peace of God and of our lord the King and of the lord N. and stole the

et nos cum hutesio levato illum secuti sumus et cepimus et cum illo latrocinium ad hanc curiam duximus et hic prosequimur, si latro hoc confitetur pulcrum nobis videtur si negat injuste negat etc.

H. sic appellatus negat de verbo ad verbum omne quod ei imponitur et posuit se super veredictum visneti vel patrie. Et per veredictum fuit culpabilis de eo quod fuit appellatus et sic dampnatus fuit et suspensus. vel sic. et preceptum fuit quod fieret de eo justicia (v. libras ¹). Set cum duceretur ad iudicium faciendum evasit de manibus ducencium ad ecclesiam et per visum fidedignorum ² abjuravit terram Regis et dicta villa remanet in misericordia.

Item essoniatores vocati fuerunt. Et R. de E. essoniat se per N. de placito terre versus talem. Primo preceptum est quod melius distringatur. Item Johannes de E. essoniat se per A. Wodewarde versus N. talem. Secundo ³ preceptum est quod melius distringatur, et ita de ceteris.

A. de B. conqueritur de R. in pace Dei messuit unam acram terre sue frumenti in campis de N. et quod hoc fecit injuste et sine iudicio, unde ipse dampnificatus ad valorem v. s. et amplius et hoc si negat injuste negat quia N. dictus sectam habet sufficientem.

R. sic inculpatus elapsis essoniis et postea destructione facta venit et obtulit se ad essonias suas warrantizandas et essoniatoribus presentibus eo ⁴ warrantizavit et querela audita fuit. Dictus R. respondit verbo ad verbum negando omne quod ei imponitur contra dictum A. et sectam suam. Et consideratum est a curia quod quia se bene defendebat legitime⁵ deberet legem inculpandi ⁶ vadiare. Et per consilium amicorum ceperunt diem amoris de licencia ballivi. Datus est

¹ In margin.

² Substituted for *monacorum*.

³ *scd'* MS.

⁴ Sic.

⁵ *luñ* MS.

⁶ Corr. *inculpanti*.

said things and fled, and we raised the hue and followed and took him and have brought him into court and his larceny with him and here we pursue him ; if he will confess this, it shall seem well to us ; if he will deny, wrongfully he denies etc.

H. thus appealed denies word by word all that is charged against him and put himself on the verdict of the neighbourhood or of the country. And by the verdict he was guilty of the charge ; and so he was condemned and hanged—or thus : and it was commanded that justice be done upon him.^a [His chattels were worth] £5. But when he was being taken to execution he escaped from the hands of his conductors to the church and there by the view of trustworthy men he abjured the realm ; and the said vill is in mercy.

Also the essoiners were called. And R. of E. essoins himself by N. in a plea of land against such an one. It is ordered a first time that he be better distrained. Also John of E. essoins himself by A. Woodward against N. It is ordered a second time that he be better distrained. And so in other cases.

A. of B. complaineth of R. that in the peace of God he reaped an acre of his land sown with wheat in the fields of N., and that this he did unjustly and without judgment, so that he is damaged to the amount of 5 s. and more ; if he denieth this, wrongfully he denieth it, for the said [plaintiff] hath sufficient suit.

R. thus accused, essoins being over and distress being made, offers himself to warrant his essoins and does so in the presence of the essoiners ; and the plaint being heard, he answereth word by word denying all whereof he is charged against A. and his suit. And it is considered by the court that since he has well defended himself he should in due form wage his law to the plaintiff. And by the counsel of their friends they took a love-day by the bailiff's licence. A

^a This is a euphemism to which the steward may have recourse if he pleases.

eis dies usque ad proximam curiam salvo curie¹ domini et ballivi.

A. de B. et A. de E. venerunt et cognoverunt² quod consiliati et pacificati³ sunt super placito quod fuerat inter eos et dictus A. remanet in misericordia pro falso clamore vel quia non fuit prosecutus querelam suam.

R. de N. conqueritur de tali quod dictus C. et filius suus nocturno tempore tali nocte intraverunt in curiam suam et venientes ad vivarium ibidem piscaverunt et ceperunt in vivarium ad valorem xl. sol. et amplius. Dictus A. talis percipiens per latratus canum extraneos fore in curia sua surrexit et prospiciens foras ad fenestram audivit illos piscantes et statim vocavit N. filium suum et servos suos qui statim exierunt ut caperent, et illi percipientes homines super venire⁴ statim effugerunt et dictos pisces in dampnum et dedecus ipsius asportaverunt, unde dictus R. noluit sustinuisse dampnum pro c. s. nec pudorem pro iij. marcis, et quod hoc sit verum habet inde sectam sufficientem A. B. C. Et consideratum est quod dictus C. legitime⁵ summoniatur.

Alicia relicta R. N. queritur de E. Ruffo vicino suo quod porci ejus tali die intraverunt in ortum suum suffoderunt fabas et olera ita quod noluit habuisse dampnum pro ij. s. nec pudorem pro xij. d. unde petit illud ac dampnum sibi emendetur.

Dictus R. posuit super se⁶ veredictum curie si deberet respondere ad solam vocem vidue an non. Et consideratum est quod non. Vidua vj. d. remanet in misericordia quia non habuit sectam.

N. appellat R. quod quodam die post prandium in estate cum duobus servis suis A. et F. et cum magno tumultu in pace Dei et domini Regis intravit in domum suam et insultavit eum nequiter in pace Dei ita quod noluit sustinuisse dampnum pro j. marca et pudorem et⁷ pro dimid', si hoc confitetur pulcrum ei videtur si hoc negat injuste negat quia prefatus N. habet⁸ hoc audientes et videntes A. B. C.

¹ *cur'* MS.

²⁻³ *pro consiliata et pacificata* MS.

⁴ *venir'* MS.

⁵ The word in MS. is *lime*.

⁶ Corr. *posuit se super*.

⁷ Omit *et*.

⁸ A word of two letters, seemingly *ex*, precedes the usual abbreviation for *hoc*.

day is given them at the next court, saving the rights of the lord's court and of the bailiff.

A. of B. and A. of E. came and confessed that they had made peace and concord in the plea which was between them, and the said A. is in mercy for his false claim—or, because he hath not prosecuted his suit.

R. of N. complaineth of C. that he and his son by night time on such a night entered his court and came to his fishpond and fished there and took fish to the value of 40 s. and more. The said A. perceiving by the barking of dogs that there were strangers in his court, arose and looked out of window and heard them fishing and aroused N. his son and his serfs, who straightway went out to take them; and they, perceiving men coming, at once fled and carried off with them the said fish to his damage and shame, so that the said R. would not willingly have received such damage for 100 s. or such shame for 3 marks; and that this is true he hath here sufficient suit, to wit, A. B. C. And it is considered that C. be summoned lawfully.

Alice widow of R. N. complaineth of E. Read her neighbour that on such a day his pigs entered her garden and rooted up her beans and cabbages so that she would not willingly have had that damage for 2 s. nor that shame for 12 d. and she demandeth that amends be made.

The said R. put himself on the verdict of the court as to whether or no he was bound to answer the unsupported plaint of the widow. And it is considered that he is not; and the widow is in mercy, 6 d., for that she had no suit.

N. appealeth R. that on a certain day in summer after dinner with his two serfs A. and F. and with a great tumult in the peace of God and of our lord the King he entered his house and assaulted him wickedly in the peace of God so that he would not have sustained that damage for one mark or the shame for a half-mark; if he will confess, this will seem fair to him; if he denieth, wrongfully he denieth, for N. hath [here] A. B. C. who heard and saw.

R. sic appellatus negat verbo ad verbum pacem Dei et domini sui infractam et assultatus¹ cum ramis² mollutis nequiter factum et verberacionem et vulnus in fluctum³ dampnum et pudorem inculpantis contra dictum N. Et consideratum est a curia quod sufficienter negavit et indictatum est ei legem inculpanti vadiare. Et vadiavit ei legem. Et datus est dies ad primam curiam.

R. venit contra N. et fecit legem super querelam que vertebatur inter eos. Et N. remanet in misericordia (iij. sol.⁴) pro falso clamore; plegii N. et N.

N. messarius domini conqueritur de tali quod in dampnum et dedecus domini sui pascebat parvum pratum vel pasturam domini sui; si hoc negat injuste negat quia habet inde testes A. et E. qui cum illo fuerunt quando capere bestias voluit, set dictus talis cum filiis suis eidem messario restitit ne bestias adducere poscis.⁵

Talis negat verbo ad verbum sicut ei impositum est contra dictum messarium et testes suos A. B. E. Et consideratum est quod insufficienter negavit dampnum et pudorem domini et violenciam messori illatam tacendo et remanet in misericordia (xij. d.⁶) quia defecit in negacione sua.

F. Longus est in misericordia (vj. d.) pro defalta facta in opere domini die tali, plegios N. et N.

N. Molendinarius fecit finem (vj. d.) pro misericordia sua quia male aruit⁷ terram apud N., plegios ita et⁸ decetero.

Petrus Piscator fecit finem (v. d.) pro misericordia pro transgressione facta W. de Lupo pl' et ita decetero.

(De jure jurandi.⁹) Ad jurand' cartand'¹⁰ ad omnes franchiplegios flexo genu ad librum jurabit sic. Hoc auditis domine senescalle N. etc. quod ego N. non ero latro nec socius latronis, nec furtum nec furem celare debeo quin dicam eis quibus dicendum est, et portabo fidem domino

¹ Sic.² Corr. *armis*.³ Corr. *vultum*.⁴ In margin.⁵ Corr. *posset*.⁶ The amounts of the ameracements are in the margin.⁷ Sic.⁸ Corr. *et ita*.⁹ In margin.¹⁰ Sic.

R. thus appealed denieth word by word the breach of the peace of God and of his lord and the assault with edged arms^a wickedly committed and the beating and the wound in the face and the damage and the shame of the plaintiff against N. And it is considered by the court that he hath sufficiently denied and it is commanded him that he do wage his law to the plaintiff. And he waged his law to him. And a day is given at the next court.

R. cometh against N. and maketh a law in the suit which was between them. And N. is in mercy, 3 s., for a false complaint; pledges N. and N.

N. the lord's hayward complaineth of such an one that to the damage and shame of his lord he pastured the small meadow or pasture of his lord; if he denieth, unjustly he denieth, for he hath thereof witnesses A. and E. who were with him when he attempted to take the beasts, but the said such an one and his sons resisted him, the hayward, so that he could not take them.

So and so denieth the charge word by word against the said hayward and his witnesses, A. B. E. And it is considered that he hath insufficiently denied, since he hath said nothing of the damage and shame of the lord and the violence done to the hayward, and he is in mercy (12 d.) for he failed in his denial.

F. Long is in mercy (6 d.) for a default in work for the lord on such a day; pledges, N. and N.

N. Miller made fine (6 d.) for his amercement for ploughing the land at N. badly; pledges etc. And so forth.

Peter Fisher made fine (5 d.) for his amercement for a trespass done to W. Wolf; pledges etc. And so in other cases.

As to oaths. When one is received into frankpledge^b he shall swear on the book with bent knee thus. Hear this sir steward N. etc. that I, N. will not be a thief nor the fellow of a thief, nor will I conceal a theft nor a thief but will reveal it to those to whom it should be revealed, and I will

^a See Bracton, f. 138, as to the necessity of mentioning some *arma moluta*.

^b The text seems corrupt.

Henrico Regi Anglie, maxime domino meo Domino N. et obediens ero ¹ ballivorum suorum preceptis. Et deosculato libro ponat j. d. et dicatur ei quod sit intendens capitali plegio suo.

(De jure jurandi ballivorum.²) Aliquis ballivus recipiens ballivam jurabit sic. Hoc auditis domine N. quod ego N. fideliter me geram in balliva mea et honeste me portabo erga patriam scilicet erga divitem et pauperem, et quod alienatum fuit de jure domini mei vel de jure vestro per ballivos antecessores meos revocabo pro posse meo, et scire faciam domino meo vel vobis et consilio vestro etc.

(De jure jurandi testimonium.³) Aliquis tractus in testimonium super aliqua causa viris ⁴ jurabit sic. Hoc auditis domine N. quod ego N. nec pro amore nec pro odio nec pro timore nec pro aliquo modo in mundo nec pro prece nec pro premio dicam aliquam falsitatem nec aliquam veritatem celabo super re de qua tractus sum in testimonium inter A. et B. coram vobis, sic me Deus adjuvet et ejus sancta ewangelia etc. Aliter. Hoc auditis domine N. quod ego N. dicam veritatem et nullam falsitatem super re de qua me interrogabitis vel de qua fuero requisitus, sic Deus me adjuvet etc.

(De jure jurandi pugilum pro terra.⁵) Defensor a sinistris ⁶ primo jurabit tenens appellatorem qui erit a dextris sic. Hoc auditis homo quem per manum teneo qui te vocari facis nomen baptismatis N., quod B. antecessor domini tui et nunquam fuit saisiatus de tanta terra cum pertinentiis in primo tempore domini Henrici Regis etc. capiendo expleta etc., et jus non descendit sicut inrotulatus est etc. nec hereditas illa descendere et ⁷ domino tuo sicut dicis, ita adjuvet me Deus et Sancta Maria. Et deosculato libro taceat. Appellator jurabit sic. Hoc auditis homo etc. sicut prius quod falsum jurasti quia B. antecessor E. domini mei non ⁸ fuit saisiatus etc. sic adjuvet me Deus et sua sancta mater. Tunc ambe ⁹ surgant et vicecomes com-

¹ oro MS. ² In margin. ³ In margin. ⁴ Corr. *juris*. ⁵ In margin.
⁶ asⁱ. ⁷ For *et* read *debet*. ⁸ Om. *non*. ⁹ Sic.

bear faith to the lord Henry King of England, and more especially to my lord N., and will be obedient to the precepts of his bailiffs. And having kissed the book he shall give a penny and shall be bidden to be obedient to his chief pledge.

Of the bailiff's oath. Any bailiff receiving a bailiwick shall swear thus:—Hear this sir N. that I, N. will bear me faithfully in my bailiwick and behave me honestly towards the country, to wit, towards rich and poor, and if anything was alienated from my lord's right or from thine by the bailiffs my predecessors I will to the best of my power recall it, and will inform my lord, or thee, or thy counsel etc.

Of the oath of witnesses. Anyone brought as a witness in any lawsuit shall swear thus:—Hear this sir N. that I, N. will not for love, nor hate, nor fear, nor anything in the world, nor for price, nor reward tell any falsehood or conceal any truth touching the matter about which I am brought as a witness between A. and B. before thee. So help me God and his holy gospels etc.—Another form.—Hear this sir N. that I, N. will speak the truth and no falsehood upon the matter concerning which thou shalt ask me, or about which I shall be questioned. So help me God etc.

Of the champions' oaths in a suit for land. The defender, on the left, shall first swear holding [the hand of the] appellant, who shall be on the right, thus:—Hear this thou man whom I hold by the hand who art called N. by thy name of baptism, that B. the ancestor of thy lord never was seised of that land with the appurtenances at the beginning of the reign of King Henry etc. by taking thence esplees etc., and the right did not descend—following the words of the inrolment—nor ought that inheritance to descend to thy lord as thou sayest, so help me God and Saint Mary. And having kissed the book he shall say no more. The appellant shall swear thus:—Hear this thou man etc.—as before—that thou hast sworn falsely, for that B. the ancestor of my lord E. was seised etc., so help me God and his Holy Mother. Then both shall rise and the sheriff shall commit

mittet eos ballivis et duobus militibus et ipsi ducent pugiles ita ad palaciam quod appellator sit ex parte orientali et defensor ex parte occidentali. Et tunc iterum jurabunt etc.

(De jure jurandi ad homagium capiendum.¹) Junctis manibus se offerat et manibus domini sub capa² domini sui dicet hoc. Devenio homo vester de tali tenemento a vobis taxato³ ad portandum vobis fidem de vita et membrum⁴ et terreno honore contra omnes qui sunt et mori possunt salva fide domini Henrici Regis Anglie et heredum suorum et aliorum dominorum meorum si alios dominos habeant. Et osculabitur dominum suum etc.

¹ In margin. ² Some error may be suspected. ³ Corr. *tenendo*. ⁴ Sic.

them to the bailiffs and two knights, and they shall bring the champions to the lists so that the appellor shall be at the east and the defender at the west.^a And then they shall swear once more etc.

Of the oath when homage is taken. With joined hands he shall offer himself and with his hands under his lord's mantle he shall say this—I become thy man of such a tenement to be holden of thee, to bear to thee faith of life and member and earthly worship against all men who live and can die, saving the faith of my lord Henry King of England and his heirs and of my other lords—if other lords he hath. And he shall kiss his lord etc.

^a See the document printed in Acts of Parliament of Scotland, i. 746, and Neilson, Trial by Combat, p. 92.

III. [MODUS TENENDI CURIAS.]

Sequuntur Attachiamenta.

Et sciendum est quod duplex est attachiammentum per corpus videlicet et per manucaptos sive per plegios, de quo nunc primo.

A. de B. attachiatus est pro utesio levato, vel pro assisa panis et cervisie infracta, vel pro namio vetito pro tali debito solvendo, vel pro teolonio asportato de molendino quando molebat ibidem, vel pro transgressione facta cuidam extraneo sine merito ut dicitur, vel quia vetuit vendere cervisiam ballivo domini et ad usum proprium, vel quia contulit verba contumeliosa ballivo, vel quia servus suus fuit in gardino domini et asportavit poma, vel quia famuli sui messuerunt stipulam domini contra defensionem, vel quia ancilla sua saltavit parcum domini, vel quia vendidit piscem contra libertatem ville, vel quia non venit per preceptum domini ad visum faciendum, et ideo invenit plegios ad respondendum ad proximam curiam vel hundredum, scil. talem et talem.

Et notandum est quod omnia attachiammenta debent fieri per ballivum set per seneschallum poterunt relaxari, et hoc quando nemo sequitur super attachiammentum nisi ballivus et hoc pro rebus factis contra libertatem domini sui, set de querelis factis non poterit aliud¹ relaxari nisi ex consensu actoris vel rei, quia nullus potest concordare cum aliquo absque licencia domini vel ejus seneschalli post querelam factam vadio et plegiis datis, nisi salvo jure domini in omnibus.

Deinde sequuntur querele :—A. de B. queritur de C. de

¹ Corr. *aliquid*.

III. [THE MANNER OF HOLDING COURTS.]

Here follow the attachments.

And it is to be known that attachments are of two kinds, to wit, by the body and by manucaptors or pledges, and of these we here speak.

A. of B. is attached for hue levied, or for breach of the assize of bread and beer, or for refusal to deliver gage for payment of a debt, or for toll subtracted from the mill when he ground there, or for a trespass done to a stranger undeservedly so it is said, or for refusing to sell beer to the lord's bailiff for the lord's use, or for abusive words against the bailiff, or because his bondman was in the lord's garden and carried off apples, or because his servants reaped the lord's stubble contrary to a prohibition, or because his maid leaped into the lord's park, or for selling fish contrary to the franchise of the vill, or for not coming to make a view at the lord's command, and therefore he found pledges to answer at the next court or hundred, to wit, so and so.

And it is to be noted that all attachments should be made by the bailiff and can be released by the steward when no one sues upon them save the bailiff in respect of breaches of his lord's franchise; but in case of complaints there can be no release without the consent of plaintiff or defendant, for none can make compromise without the leave of the lord or his steward when a complaint has been made and gage and pledge given, except with a saving for all the lord's rights.

Then follow the complaints:—A. of B. complaineth of C.

placito debiti, vel de placito injuste detentionis catallorum vel detentionis unius equi, bobi,¹ affre, ovis, porci, galline vel alterius bestie singularis—et si alia catalla sunt— de placito injuste detentionis unius robe vel supertunice, vel unius anuli aurei vel argentei vel alterius rei—vel sic— de placito captionis et injuste detentionis unius equi, vel duorum equorum, vel unius vacce, vel ovis, vel alterius animalis, vel alterius rei, secundum diversitatem captionis—vel sic—de placito transgressionis. Plegii de proseguendo C. et D. Plegii standi recto E. et F. Et si fuerit in placito terre tunc sic—A. de B. tulit breve domini Regis de recto versus C. in hec verba Edwardus etc.

Set primo inseratur titulus curie sic—Curia talis domini de tali manerio vel de tali loco tenta tali die anno regni Regis Edwardi xxxv.—set de ordine curie baronis et libere tenentium plenius infra.

Custodes panis et cervisie presentaverunt quod A. et B. fregerunt assisam panis et cervisie. Et ideo preceptum est quod attachientur quod sint responsuri ad proximam curiam sive hundredum.

Custodes vicorum sive franciplegii presentaverunt hutesium levatum et sanguinis effusionem in tali vico vel loco per W. de N. Et ideo preceptum est quod idem W. sit attachiatus ad respondendum ad proximam curiam vel hundredum.

Et sciendum est quod quolibet vico burgi erit unus custos ad minus ad quem hutesium levatum possit presentari, et ille idem illud presentabit in plena curia vel in pleno hundredo. Amerciatur autem si per donum vel lucrum, odium, amorem vel favorem sive per fraudem vel aliquam aliam causam per ipsum fuerit hutesium relaxatum vel concealatum. Extra civitatem vero franciplegii sive decenarii faciunt officia predicta.

Sequuntur essonia. Et sciendum est quod in curiis magnatum et aliorum et in hundredis et comitatibus postquam titulus rotuli inseratur — Primo exigantur essoniatore. Deinde primo intrantur essonia de secta-

¹ Sic.

in a plea of debt, or a plea of wrongful detinue of chattels, or detinue of a horse, ox, mare, sheep, pig, hen or other beast—and if there be other chattels: of a plea of detinue of a cloak or overcoat or of a ring of gold or silver or the like—or thus: of a plea of taking and unjustly detaining a horse, or two horses, or a cow, or a sheep, or other animal, or some other thing, whatever may have been taken—or thus: of a plea of trespass. Pledges to prosecute, C. and D. Pledges to stand to right, E. and F. And if it be in a plea of land, then thus—A. of B. brought the King's writ of right against C. in these words, Edward etc.

But first the title of the court should be inserted thus—Court of such a lord of such a manor or of such a place holden on such a day in the 35th year of King Edward—but of the order of the court of a baron or of free tenants more below.

The wardens of bread and beer presented that A. and B. have broken the assize of bread and beer. And therefore it is commanded that they be attached to answer at the next court or hundred.

The wardens of the wards or the frankpledges presented hue levied and blood shed in such a ward or place by W. of N. And therefore it is commanded that he be attached to answer at the next court or hundred.

And it is to be known that in every ward of a borough there shall be one warden at least to whom any levy of the hue may be presented, and then he shall present the same in full court or full hundred. And he shall be amerced if for any gift or gain, hatred, love or favour or through any fraud or for any other cause any hue is by him released or concealed. But outside the cities the frankpledges or tithingmen perform these duties.

Here follow the essoins. And it is to be known that in the courts of the magnates and others and in the hundreds and counties after the title of the roll there shall be inserted—First the essoiners are called. Then in the first

toribus curie excepto comitatu tali modo—A. de communi per S. de T.—B. de eodem per V. de X. Et sic de singulis, et habet talem intellectum A. essoniat se de communi secta per S. Deinde sequuntur immediate essonia placitorum. Et primo de placito terre sic—A. versus B. de placito terre—vel sic melius—A. tenens vel exigens (seu petens¹) versus B. de placito terre etc. Et si procedatur ad iudicium vel ad inquisitionem vel ad legem vadiatam tunc sic—A. tenens versus B. de placito terre unde iudicium, vel unde inquisitio, vel unde duellum vadiatum. Et si plures sunt tenentes in communi tunc sic—A. tenens una cum B. versus etc.; item idem tenens B. una cum predicto A. etc. Item si plures sunt exigentes (seu petentes²) et plures tenentes tunc sic—A. exigens una cum B. et C. versus D. et E. de placito etc.; item idem B. exigens una cum predictis A. et C. versus D. et E. etc. Item si tenens forte vocaverit ad warrantum tunc si exigens (sive petens³) essoniari voluerit hoc erit versus tenentem in dominico set non versus vocatum ad warrantum antequam warrantizaverit, quia oportet esse tenentem in dominico vel per warrantiam, set warrantus non est tenens antequam warrantizaverit, et tunc primo versus eum essoniari et non versus tenentem in dominico necesse est, hoc modo—A. versus C. quem B. vocavit ad warrantum de placito terre etc.—et addatur—unde ad iudicium, vel inquisitionem etc. Item si vocatus ad warrantiam essoniari voluerit tunc sic—C. quem B. vocavit ad warrantiam versus A. de placito terre etc. Et si plures sint vocati tunc sic—C. quem B. vocavit ad warrantum una cum D. et E. versus A. etc. Item si attornatus essoniari voluerit, tunc sic—A. attornatus B. versus C. etc. Item si duo fuerint attornati tunc sic—A. unus attornatorum B. versus C.; item D. alter attornatus B. versus C. etc.

Idem modus observandus est in brevibus de ingressu in banco, set de aliis essoniis aliud notandum est sicut de

¹ Interlined.² Interlined.³ Interlined.

place, except in a county court, are entered the essoins of the suitors of the court, thus—A. of the common by S. of T.—B. of the same by V. of X. And so with the rest; and this means, A. essoins himself of the common suit by S. Then follow at once the essoins of pleas. And first of pleas of land, thus—A. against B. in a plea of land—or better thus: A. tenant or demandant against B. in a plea of land etc. And if the cause stands for judgment, or for inquest, or for wager of law, then thus: A. tenant against B. in a plea of land which stands for judgment, or for inquest, or for wager of battle. And if there be several tenants in common, then thus: A. tenant with B. against etc; also the same B. tenant with the said A. etc. And if there be several demandants and several tenants, then thus: A. demandant along with B. and C. against D. and E. in a plea etc.; also the said B. demandant along with the said A. and C. against D. and E. Also if the tenant has vouched to warranty, then if the demandant will essoin himself, this must be against the tenant in demesne and not against the vouchee before he has warranted, for he against whom one essoins oneself ought to be tenant either in demesne or by warranty, and the vouchee is not tenant until he has warranted, but after this one must essoin oneself against him and not against the tenant in demesne, thus: A. against C. whom B. vouched to warranty in a plea of land etc.—and here add: which stands for judgment, or inquest etc. Also if the vouchee will essoin himself, then thus: C. whom B. vouched to warranty against A. in a plea of land. And if there be several vouchees, then thus: C. whom B. vouched to warranty along with D. and E. against A. etc. Also if an attorney will essoin himself, then thus: A. attorney of B. against C. etc. Also if there be two attorneys, then thus: A. one of the attorneys of B. against C.; also D. the other of the attorneys of B. against C. etc.

The same course should be observed in writs of entry in the Bench, but as to other ^a essoins there is a different

^a The writer has hitherto been speaking only of the common essoin *de malo veniendi*.

ultra mare, de servitio domini Regis, de malo lecti. Et primo de ultra mare Grecorum sic—A. quod est ultra mare Grecorum in generali passagio Cristianorum in Terram Sanctam versus B. etc. De simplici peregrinatione sic—A. quod est ultra mare Grecorum in simplici peregrinatione Terre Sancte versus B. de placito terre per etc. Item de ultra mare simpliciter sic—A. quod est ultra mare Angl[icum] apud Montem Pessolanum versus B. etc. Item de servitio domini Regis sic—A. quod est in servitio domini Regis versus B. etc. Item de malo lecti sic—A. qui languidus est apud Nortone de malo lecti versus B. de placito terre etc. Et si plures fuerint petentes sive tenentes et unus eorum omnium attornatus voluerit essoniari, tunc sic—A. pro se et pro B. C. et D. quorum est attornatus versus E. et F. de placito assise mortis antecessoris per etc. Set in placito assise nove disseisine querens et non tenens poterit essoniari hoc modo—A. querens versus B. deforci-antem de placito assise nove disseisine per etc. Set in attinctis sic—A. de B. de placito terre unde attincta viginti quatuor ad convincendum duodecim per etc.

Set de aliis essoniis que non sunt pure de placito terre sicut de conventionibus et hujusmodi, sic—A. versus B. de placito conventionis per C. Item de debito sic—A. versus B. de placito debiti per C. Item de injusta detentione sic—A. versus B. de placito injuste detentionis unius equi, jumente, bovis, vacce, ovis, porci, auce, galline—vel sic—unius robe, unius anuli, vel alterius rei detente secundum genus suum. Sed de captione et detentione sic—A. versus B. de placito captionis et detentionis catallorum vel averiorum vel alterius singularis rei secundum genus suum ut supra. De transgressione—A. querens versus B. de placito transgressionis per C.—vel sic—A. defendens versus B. de placito transgressionis per C. primo, vel secundo, vel tercio. Item in brevi annui redditus sic—A. defendens versus B. de placito annui redditus. Nec ponatur defendens nisi quando breve est in

course, as for instance the essoins 'beyond seas,' 'king's service,' or 'bed sickness.' And first as to 'beyond Greek sea,' thus: A. for that he is beyond the sea of the Greeks in a general expedition of Christians to the Holy Land,¹ against B. etc. Of a 'simple pilgrimage,' thus: A. for that he is beyond the sea of the Greeks in a simple pilgrimage to the Holy Land, against B. in a plea of land by etc. Also in a simple 'beyond seas,' thus: A. for that he is beyond the English sea at Montpellier, against B. etc. Also of 'king's service,' thus: A. for that he is in the king's service, against B. etc. Also of 'bed sickness,' thus: A. who is ill at Norton with a bed sickness, against B. in a plea of land, etc. And if there be several demandants or tenants and one of them who is the attorney of all will essoin himself, then thus: A. for himself and for B. C. and D. whose attorney he is against E. and F. in a plea of an assize of mort d'ancestor by etc. But in a plea of an assize of novel disseisin the plaintiff, but not the defendant, can essoin himself, thus: A. plaintiff against B. deforciant in a plea of an assize of novel disseisin by etc. But in an attain, thus: A. of B. in a plea of land in which an attain by twenty-four jurors to convict the twelve, by etc.

And as to other essoins which are not in mere pleas of land, as in covenant or the like, thus: A. against B. in a plea of covenant by C. And in debt thus: A. against B. in a plea of debt by C. And in detinue, thus: A. against B. in a plea of wrongful detention of a horse, mare, ox, cow, sheep, pig, goose, hen,—or thus: of a cloak, a ring, or other the thing detained as the case may be. But of caption and detinue, thus: A. against B. in a plea of caption and detinue of chattels or beasts or of some particular thing according to its kind, as above. Of trespass, thus: A. plaintiff against B. in a plea of trespass by C.—or thus: A. defendant against B. in a plea of trespass by C. a first or a second or a third time. Also in a writ of annuity, thus: A. defendant against B. in a plea of annuity; and one does not say 'defendant' except so long as the writ is

¹ That is, in a crusade.

comitatu. Item de placito nocumentorum—A. defendens versus B. de placito nocumenti per etc.

Deinde essoniis sic seriatim irrotulatis, tunc primo optulationes partium inscribantur sic—A. optulit se versus B. de hutesio levato et posuit se in inquisitionem utrum hutesium levaverit injuste. Amercietur autem ille qui hutesium levaverit injuste et etiam ille super quem juste fuerit levatum. Et sic de omnibus transgressoribus pacis per presentationem decenariorum vel duodecim iuratorum violatis.¹ Et notandum est quod postquam aliquis fuerit sumonitus vel per pleggios justitiatus ad instantiam partis poterit primo die essoniari vel comparere et defendere se et contradicere et legem vadiare, et tunc ad proximam curiam sive hundredum poterit essoniari de lege sua facienda et si eam fecerit quietus erit et alius in misericordia remanebit. Et sic de aliis optulationibus sicut de legibus.

Set isto modo debent narrationes querelarum et earum responsiones notari in comitatibus, hundredis, curiis baronum, militum et libere tenentium:—A. optulit se versus B. et queritur de eo quod tali die anno et loco insultum fecit in eumdem A. verbis contumeliosis vocando ipsum falsum, perversum et illegalem traditorem et imposuit ei furtum fecisse de tali re—vel sic—imposuit ei quod debuit fecisse aliquod aliud delictum, et specificare² secundum quod ei impositum fuerit, et percussit eum in capite vel alibi in corpore cum pungno vel cum baculo sive cum aliquo armo, et in via regia vel alibi prostravit, pannos suos fregit et maletractavit injuste et contra pacem domini, vel ballivorum vel vicecomitis, et ad dampnum ipsius A. x. s. et inde producit sectam.

Et B. defendit vim et injuriam et omnes transgressiones quicquid est contra pacem domini, ballivi vel vicecomitis, et dampna ipsius A. x. s. etc. et quicquid ei imponitur negat de verbo ad verbum. Ideo ad legem sexta manu. Pleggii de lege C. et D.

¹ Sic.

² Or *specifica re* [?].

in the county court.^a Also in a plea of nuisance, thus: A. defendant against B. in a plea of nuisance by etc.

Then, the essoins being thus enrolled in order, the appearances of the parties are entered, thus: A. offered himself against B. for hue levied and put himself upon an inquest as to whether he levied the hue wrongfully. And he who levies the hue wrongfully shall be amerced, also he against whom it is levied rightfully. And thus as to all trespasses against the peace presented by the tithingmen or twelve jurors. And note that when anyone has been summoned or attached by pledges he may as he pleases essoin himself on the first day or appear and defend himself and deny the charge and wage his law, and then at the next court or hundred he may be essoined of making his law, and if he makes it he shall be quit and the other party shall be in mercy. And so with the other appearances, as in the case of appearances for making law.

And this is the manner in which counts of complaints and answers thereto should be written down in counties and hundreds and the courts of barons, knights and freeholders:— A. offered himself against B. and complaineth for that he on such a day and in such a place made an assault against the said A. with contumelious words calling him a false perjured and lawless traitor and charged him with having made theft of such a thing—or thus: charged him with some other offence, which should be specified, and struck him on the head or elsewhere on his body with his fist or a stick or some weapon, and threw him down in the king's highway or elsewhere, and tore his clothes and maltreated him, wrongfully, against the peace of the lord, or bailiffs, or sheriff, and to A.'s damage 10 s.; and thereof he produceth suit.

And B. defendeth tort and force, and all trespass and all that is against the peace of the lord, or bailiff, or sheriff, and the damages of the said A. 10 s. etc. and whatever is surmised against him he denieth word by word. Therefore to the law six-handed. Pledges for his law C. and D.

^a The meaning of this clause I cannot explain.

De debito sic :—A. optulit se versus B. et queritur de eodem B. quod ei injuste detinet x. s. quos ei debet eo quod tali die tali anno et tali loco predictus B. obligavit se teneri—vel—concessit se teneri aliqua certa de causa, vel, ab eodem A. ex mutuo recepit denarios vel denariatas tales sive catalla solvendos tali die tali anno et loco tali, quibus predictos x. s. ab eodem petiit qui solvere recusavit et reddere noluit immo detinuit et adhuc detinet injuste—set non dicatur contra pacem, set—ad dampnum dimidie marce et producit sectam.

B. defendit vim et injuriam et omnem detentionem debiti et dampnum, et petit diem amoris. Et prece partium datus est eis dies amoris—vel sic—per considerationem curie ad petitionem partium concessa est licencia concordandi usque ad proximam curiam sive hundredum etc.

Et sciendum autem est quod ad solam vocem sine secta non debet quis audiri, set hoc in primis calumpniatur. Et ad legem vadiandam oportet defendentem offerre se facturum contra querentem et ejus sectam, si enim negaverit contra querentem et non contra sectam in misericordia tamquam indefensus remaneret. Sciendum est quoque quod non est necesse in aliquo placito ponere horam facti in scripto nisi in placitis corone vel quando pax domini Regis infringitur, ibi enim necesse est ponere locum et horam anni.

Defalta tenentis in brevi de recto sic debet irrotulari—A. optulit se versus B. de placito unius mesuagii per breve Regis de recto et B. non venit set alias fecit defaltam ita quod preceptum fuit ballivo quod caperet dictum mesuagium in manum domini Regis et ballivus testatur diem captionis et dictum B. alias sumonitum quod veniat ad audiendum judicium suum, et iterum facit defaltam, ideo consideratum est quod predictus N. recuperet seisinam per defaltam et dictus B. in misericordia.

Of debt thus :—A offered himself against B. and complaineth that the said B. wrongfully detaineth from him 10s. which he oweth him for that at such a time and place the said B. bound himself to be holden—or, granted himself to be holden for a certain cause—or, received from the said A. by way of loan such and such money or money's worth or chattels to be paid at such a time and place, at which time and place the said A. demanded from him the said 10 s., but he refused to render them, and detained and still detains them—one does not say here against the peace but—to the damage [of A.] a half-mark, and he produces suit.

B. defendeth tort and force and all detention of debt and the damage, and he craveth a love-day. And on the prayer of the parties a love-day is given them—or thus : and by award of the court on the prayer of the parties leave is granted them to make compromise before the next court or hundred etc.

And it is to be known that the mere parol of a man without suit shall not be heard, but this objection must be taken at the outset. And when a defendant offers to wage his law he should offer to make it against the plaintiff and against the plaintiff's suit, for if he denies merely against the plaintiff and not against his suit he shall be in mercy as one who is undefended. And it is to be known also that it is not necessary in any plea to specify the hour at which a deed was done, except in the pleas of the crown or where there is breach of the king's peace, for there it is necessary to set down the place and the year and the hour.

The default of a tenant in a writ of right should be enrolled thus :—A. offered himself against B. in a plea of a messuage by the king's writ of right and B. hath not come, and on a previous occasion he made default so that the bailiff was commanded to seize the said messuage into the king's hand, and the bailiff testifieth the day of the seizure and that B. was summoned a second time to come and hear his judgment ; and he again maketh default ; therefore it is considered that the said N. [*i.e.* A.] do recover his seisin by default and that the said B. be in mercy.

A. et B. attachiati sunt ad respondendum C. de placito quare vi et injuste et contra pacem etc. blada ipsius C. in terra sua crescentia messuerunt et asportaverunt, pomeria et alias arbores ibidem crescentes succiderunt et domos suas prostraverunt et alia dampna enormia ei intulerunt ad grave dampnum ipsius C. decem marcarum contra pacem.

Dicti vero A. et B. venerunt et defenderunt vim et injuriam et quandoque deberent totam transgressionem iterare¹ et petunt quod inquiratur per veredictum loci. Et juratores dicunt quod predicti A. et B. non fecerunt predictum malum predicto C. nec in aliquo sunt inde culpabiles sicut illis imponitur. Ideo consideratum est quod predicti A. et B. recedant sine die et predictus C. in misericordia.

Warrantizatio essoniorum debet irrotulari—A. optulit se versus B. ad warrantizandum essonium suum. Set ex antiquo warrantizari solet in modo subscripto. A. optulit se versus B. ad warrantizandum essonium suum de assisa panis fracta et bene cognovit ideo in misericordia.

B. optulit se versus C. ad legem suam faciendam, et illam fecit sexta manu, et ideo quietus recessit.

D. et E. concordati sunt ita quod predictus D. remansit in misericordia de omnibus concordantiis.

F. retraxit se de lege sua facienda. Ideo in misericordia. Plegii de misericordia G. et H.

Sequitur de appellatione in comitatu secundum usum antiquorum. Aliquis vulneratus, male verberatus forte, venerit in caretta ad placitandum per appellum in comitatu oram coronatoribus, tutor suus faciet querelam suam hujus-

¹ Sic.

A. and B. are attached to answer C. why by force and wrongfully and against the peace etc. they cut and carried away the corn of the said C. growing on his land—or, cut down his apple and other trees and pulled down his houses and other enormous damages to him did, to the heavy damage of the said C. of 10 marks against the peace.

And the said A. and B. have come and defend tort and force and will defend when it shall behove them—and the whole charge of trespass is to be repeated—and they crave that this may be inquired by a verdict of the neighbourhood. And the jurors say that the said A. and B. did not the said evil to the said C. nor are they in anywise guilty of what is charged against them. Therefore it is considered that the said A. and B. do go thence without day and that the said C. be in mercy.

The warrant of essoins should be enrolled thus :—A. offered himself against B. to warrant his essoin. But in old times the warranty was in this manner :—A. offered himself against B. to warrant his essoin of breach of the assize of bread and ^a confessed and therefore was in mercy.

B. offered himself against C. to make his law, and made it six-handed, and therefore went quit.

D. and E. have made concord so that D. remained in mercy for all their concords.

F. withdrew himself from making his law. Therefore in mercy. Pledges for the amercement, G. and H.

Here followeth an appeal in the county according to the use of men of old time. A man wounded, or it may be badly beaten, comes in a cart to plead in an appeal in the county before the coroners, and his guardian shall make his

^a The meaning of this may be that *B* confesses the truth of *A*'s excuse without putting *A* to his oath (which would generally be a false oath), and therefore *B* is amerced. Bracton, f. 352, says : ' non est de warrantizatione essonii multum curandum.' I take it that in our author's day the essoin ' de malo ve-

niendi' had become so much a fiction that if a litigant offered to warrant his essoin this was considered enough, and his adversary was not put to the choice of admitting the truth of the excuse or insisting on an oath the truth of which he was not allowed to dispute.

modo, quam quidem querelam clericus irrotulabit sic.—A. appellat B. quod cum esset in pace Dei et domini Regis, tali die tali hora tali anno in tali loco, in terram suam propriam, predictus B. illum ibi assultavit, verberavit et nequiter vulneravit in capite cum ense ut videri poterit, et hoc paratus est probare ubi et quando debet. Talis vocatus in comitatu non comparuit. Coronatores missi fuerunt [ad]¹ servandum vulnus. W. et J. viderunt vulnus et fuit de longitudine unius pollicii et dimidii et tante profunditatis ut eis videbatur quod de vita sua desperabatur. Et vicecomes accepit securitatem de proseguendo et jussit quod talis caperetur ubicumque inveniretur excepta ecclesia et cimiterio.

Ad alium vero comitatum lesus venit et emendatus est ejus status. Alter cito comparuit et per plegios dimissus est usque adventum justiciariorum. Lesus ante proximum comitatum mortuus est. Quo mortuo jussit vicecomes alterum comprehendi, et inquisitionem fecit utrum tali vulnere obierit vel non. Et testificatum fuit quod vulnere. Ad alium vero comitatum appellatus non comparuit nec ad secundum comitatum nec tertium nec quartum. Ideo per considerationem comitatus utlagatur.

Nunc sequitur de querelis provenientibus in curiis simplicibus. Intitulatio curie. Curia domini E. de D. tenta apud N. tali die tali anno etc. Essonia de communi ut supra. A. versus B. de placito pleggiagii per C. etc. ut supra.

Narratio transgressionis. A. queritur de B. quod tali die tali anno idem B. venit ad unam divisam que est inter terram dicti A. et B. ubi amputavit unam quantitatem bladi in dicta divisa et adduxit ad curiam suam etc. injuste contra pacem domini et ad dampnum dicti A. tantum, et inde ducit sectam.

B. sic inculpatus venit et defendit verba curie et bene cognovit amputationem illius bladi sicut de illo quod crevit

¹ A small hole in MS.

plaint in this manner and the clerk shall enrol it thus :—A. appealeth B. for that whereas he was in the peace of God and of our lord the king on such a year, day, hour, in such a place, upon his own land, the said B. there assaulted, beat and wickedly wounded him in the head with a sword as may be seen ; and this he is ready to prove when and where he ought. The appellee being called in the county did not come. The coroners were sent to see the wound. W. and J. saw the wound, and it was one inch and a half in length and so deep that it seemed to them that his life was desperate. And the sheriff took surety for the prosecution and commanded that the appellee should be taken wherever he might be found save in church or churchyard.

At a subsequent county came the wounded man and his condition was less evil. And the other appeared and was dismissed on pledges until the coming of the justices. But the wounded man died before the next county. And upon his death the sheriff commanded the other to be seized and took an inquest as to whether the wound was the cause of death or no. And it was testified that the wound caused death. And at the next county the appellee did not appear, nor at the second, nor at the third, nor at the fourth. Therefore by award of the county he is outlawed.

Now followeth as to pleas which occur in simple ^a courts. Title of the court. Court of Sir E. of D. holden at N. on such a date etc. Essoins of the common suit, as above ; A. against B. in a plea of suretyship by C. etc., as above.

Count in trespass. A. complaineth of B. that on such a day the said B. came to a boundary balk which is between the land of the said A. and B. and there cut a quantity of corn on the said balk and carried it off to his court etc. wrongfully, against the peace of the lord and to the damage of the said A. in such a sum ; and thereof he produceth suit.

B. thus charged came and defendeth the words of court and fully confessed the cutting of that corn as of corn that

^a That is to say, in ordinary seignorial courts when there is no view of frankpledge.

super terram suam propriam et hoc paratus est probare quando et quomodo¹ curia consideraverit ubi et quando debet.

Alia transgressio. A. queritur de B. Bercatore quod tali die tali anno tali loco occidit quendam porcum suum masculum in pastura domini sui qui fuit apreciatus ad valorem trium solidorum injuste contra pacem ad dampnum etc.

Et B. venit et defendit verba curie et totum de verbo ad verbum contra dictum A. et ejus sectam. Et consideratum est a curia quod sufficienter negavit. Et legem vadiavit. Pleggii de lege.

Item testificatum est per R. servientem quod P. le Long fuit sumonitus ad curiam quod veniret ad respondendum ballivo vel alicui alteri. Et non venit. Ideo distringatur. Item testatum est quod R. ballivus habet unum equum vel duo averia pro districtione facienda, et consideratum est quod teneat ea et capiat plura. Item preceptum fuit servienti quod R. distringatur quia non venit ad faciendum finem pro misericordia.

Modo restat videri de querelis magne curie et de capitulis querendis in eadem. Intitulatio. Magna curia tenta apud N. post festum S. Michaelis tali die et anno. Primo inquisitum fuit de visu francipleggii utrum quilibet pleggiagius capitalis sciret quot et quos haberet in decena sua, et utrum aliquis xij. annorum esset qui non est in decena, et quis ille esset, et utrum acceptabilis esset ad recipiendum in decena. Tunc scribatur nomen ejus si presens fuerit et dabit clerico unum denarium. Postea scribantur capitula subscripta et distincte eis legantur ut possint ad ea respondere.

De capitulis querendis. De placitis corone conclatis. De usuratoribus Cristianorum. De uxoribus fugitoriis quis eas retentat. De falsis monetariis. De ponderibus, ulnis, bussellis et lagenis. De hominibus utlagatis, qui eos retentant sine waranto. De catallis fugitivorum² conclatis. De thesauro invento quis illud invenit. De purpres-

¹ *Qño et qñ* MS.

² *sugatorum* MS.

grew upon his own land, and this he is ready to prove when and as the court shall consider that prove he ought.

Another trespass. A. complaineth of B. the shepherd that on such a day at such a place he killed one male pig of his in the lord's pasture which was appraised at 3 s., wrongfully, against the peace, to the damage etc.

And B. has come and defendeth the words of court and all of it word by word against the said A. and his suit. And it is considered by the court that he has sufficiently denied. And he waged his law. Pledges for his law, etc.

Also it was witnessed by R. the sergeant that P. Long was summoned to the court to come and answer to the bailiff or someone else. And he has not come. Therefore be he distrained. And it is witnessed that the bailiff has already a horse, or two beasts, by way of distress; and it is considered that he do hold these and do take more. Also it is commanded to the sergeant that R. be distrained for not coming to make fine for his amercement.

And now it remaineth for us to see the complaints in a great court and the articles of inquest therein. Title:—Great court holden at N. after the feast of S. Michael on such a day and year. First it was inquired as to the view of frankpledge, whether each chief pledge knoweth how many and whom he hath in his tithing, and whether any of the age of twelve years be not in tithing, and if so who, and whether he be an acceptable person to be received into tithing. Then let his name be enrolled if he be present, and he shall give to the clerk one penny. Afterwards the following articles shall be written down and clearly read to them that they may make answer thereto.

Of inquest on the articles. Of pleas of the crown concealed. Of the usurers of Christians.^a Of runaway wives and who retaineth them. Of false moneyers. Of weights, measures, bushels, and gallons. Of outlaws, and who retain them without warrant. Of the chattels of fugitives concealed. Of treasure trove, who found it. Of purprestures

^a *Sic.* But perhaps it should be 'of Christian usurers.'

turis factis super terram vel per aquam. De hominibus qui hospitant extraneos ultra unam noctem. Si aliquis sit in villa qui non sit in pleggiagio.

Sequitur videre de querelis evenientibus in hundredis vel similibus. Intitulatio hundredi. Hundredum tentum apud N. tali die, tali anno etc. A. versus B.¹ de communi secta curie etc. ut supra de essoniis.

G. de K. venit ad hundredum et probavit sexta manu quod duo boviculi qui vendicabantur erant suum proprium catallum, et invenit pleggios N. et N. qui respondebunt pro dictis boviculis per unum annum si quis eos vendicaverit.

M. de N. qui fuit essoniatus contra ballivum modo non venit. Ideo distringatur.

R. de C. attachiatur ad proximum hundredum quia non habuit warrantum suum.

Datus est dies amoris A. querenti quod concordet cum suo adversario, salvo jure domini in omnibus—vel sic—Datus est dies amoris prece partium A. et B. ad proximum hundredum sine essonio.

Abbas de B. facit attornatum suum C. ad sequendum vel ad sectam faciendum pro eo ad hundredum quotiens necesse fuerit.

Braciatrices sumonite fuerunt pro assisa cervisie fracta. Modo non venerunt. Ideo distringantur.

De inquisitione facienda de via regia obstructa vel artata per quatuor villatas proxima presentetur.

Et sciendum insuper quod omne hutesium levatum et omnis violenta effusio sanguinis in patria debet presentari in hundredo nisi fuerint de medletis puerorum vel vetularum.

Notandum est quod si pontes alicubi fracti fuerint fiet emendatio per iiij. villatas proximas.

Et nunc videndum est [de]² provenientibus in comitatibus et similibus. Intitulatio. Comitatus tentus apud N. tali die, tali anno etc.

¹ Corr. A. de B.

² Om. MS.

committed on land or in water. Of those who entertain strangers beyond one night. Whether there be any in the vill who is not in pledge.

It remaineth to consider of complaints which occur in hundreds and the like. Title :—Hundred holden at N. such a day and year etc. A. of B. of the common suit of court etc.—but see above as to essoins.

G. of K. cometh to the hundred and proveth six-handed that two bullocks which were claimed were his own proper chattel, and he findeth pledges N. and N. who will answer for the said oxen during one year in case any shall claim them.

M. of N. who was essoined against the bailiff doth not come. Therefore be he distrained.

Be R. of C. attached for the next hundred for not producing his warrantor.

A love-day is given to A. plaintiff that he may make concord with his adversary, saving the lord's right in all things—or thus: a love-day is given to A. and B. on the prayer of the parties until the next hundred, when no essoin is to be received.

The Abbot of B. maketh C. his attorney to sue, or to make suit, for him at the hundred whensoever there be need.

The brewing women were summoned for breach of the assize of beer. They have not come. Therefore be they distrained.

As to any obstruction or straitening of the king's highway, let an inquest be made by the four neighbouring townships, and let presentment be made at the next session.

Also it is to be known that every hue raised and all blood shed by force in the country is to be presented in the hundred, save mere squabbles among boys or old women.

Also note that if any bridges be broken they should be repaired by the four neighbouring townships.

And now we must consider what happens in counties and the like. Title :—County holden at N. such a day and year etc.

A. queritur de B. quod ipse injuste contra pacem vicecomitis cepit duos boves suos nigros super terram suam et eos abduxit ad curiam suam de N. et eos ibi tenuit a die Lune predicto usque ad diem Jovis contra vadium et plegios, ita quod non potuit eos deliberare nisi per ballivos domini Regis, unde dampnatus est ad dimidiam marcam et inde habet sectam.

A. sumonitus fuit ad proximum comitatum. Modo non venit. Ideo distringatur.

A. qui portavit breve domini Regis versus B. concordati sunt¹ ambo sine licencia. Ideo in misericordia remanent et distringantur ad faciendum finem pro misericordia.

M. de N. venit in pleno [comitatu²] et cognovit se pro nativo J. de K. super quem portavit breve de nayvitate. Ideo in misericordia.

Sciendum est quod querele corone debent attachiari per coronatores et ville debent citari ante adventum justiciariorum preter abjuracionem terre et tunc debent recitari in adventu justitiariorum.

De fugientibus ad ecclesiam. Contigit in comitatu Lincolnie quod quidam homo nomine P. fugit ad ecclesiam pro suspitione latrocinii. Coronator venit ad eum et jussit eum venire ad pacem domini Regis. Et dicit quod non vult quia recognovit se esse latronem et occisorem hominum et maxime talis interfecti in tali loco, et receptorem latronum. Et ideo per consuetudinem regni abjuravit patriam, et datus est ei portus maris apud Doveriam.

Infortunium de submersis. Contigit in comitatu N. tali die tali anno quod quidam puer nomine P. ibat ultra aquam que nominatur Tamysia, et sicut ibat ultra pontem per infortunium submersus est. Et J. filius W. cum primus invenit puerum sic submersum levavit clamorem. Coronatores nichil possunt inquirere nisi per infortunium. Plegii ejusdem inventoris coram justiciariis M. et N.

¹ Sic.

² Om. MS.

A. complaineth of B. for that he wrongfully against the peace of the sheriff took two black oxen of his upon his land and drove them off to his court at N. and kept them there from the said Monday until the Thursday next against gage and pledge, so that he could not get them delivered without the aid of the king's bailiffs, so that he hath damage a half-mark and thereof he hath suit.

A was summoned to the next county. He doth not come. Therefore be he distrained.

A., who brought the king's writ against B., and B. have made concord without leave. Therefore they are in mercy, and be they distrained to make fine for the amercement.

M. of N. came into the full [county] and confessed himself the born bondman of J. of K. against whom he had brought a writ of neifty. Therefore be he in mercy.

It is to be known that complaints touching the crown should be attached by the coroners, and the vills ought to be cited before the coming of the justices, save in the case of abjuration of the realm, and then they ought to be cited a second time on the coming of the justices.

^a Of those who take sanctuary. It fell out that in the county of Lincoln a man P. by name fled to church for suspicion of larceny. The coroner came to him and bade him come in to the king's peace. But he said that he would not, for he confessed himself a thief and a manslayer, in particular of such an one slain in such a place, and a receiver of thieves. And therefore according to the custom of the realm he abjured the land, and Dover was assigned as his port.

Of one drowned by misadventure. It fell out in the county of N., such a day such a year, that a certain boy P. by name was crossing the water called the Thames, and as he went across the bridge he was drowned by misadventure. And J. the son of W. on finding him levied the cry. The coroners can discover by inquest no more than that this was by misadventure. Pledges for producing the finder before the justices, M. and N.

^a We seem here to have precedents for coroners' rolls.

De appellationibus nichil ad presens quia plenius infra.

Nunc sequitur de inquisitione mortis hominis et aliorum malorum. Set si quis appellatus de morte hominis non debet dimitti per pleggios usque adventum justiciariorum nisi per preceptum domini Regis.

Inquisitio facta apud N. tali die de morte talis coram viecomite et coronator[ibus] per iiij. villatas, qui omnes dicunt per suum sacramentum quod W. de N. consentiebat morti P. de Q., unde preceptum est servienti quod capiat predictum W. et quod catalla sua attachiantur et appreciantur.

Sequitur de odio et atya et de modo inbreviandi coram justiciariis. Et notandum est quod cum tota patria fuerit congregata debent eligi xij. fideles homines et legales et nomina eorum inbreviari et postea prisiones coram justiciario debent adduci.

Captiones laycorum. A. de B. captus et imprisonatus est apud N. pro suspitione latrocinii. Venit et defendit latrocinium et ponit se super sacramentum xij. juratorum, qui omnes dicunt per suum sacramentum quod non est in culpa de dicto latrocinio nec receptamento nec de aliis malis. Ideo eat quietus.

R. de C. captus et imprisonatus pro morte P. venit et defendit dictam mortem, unde posuit se super sacramentum xij. juratorum, qui dicunt per sacramentum suum quod est in culpa de dicta morte et aliis malis, et ideo habeat iudicium quod suspendatur, et catalla sua attachiantur et appreciantur.

Duo ignoti homines apud E. a ballivis domini Regis violenter capti sunt et imprisonati pro suspitione latrocinii vel robberie. Defendunt dictum latrocinium et non ponunt se super patriam, set volunt defendere per corpora sua. Ideo reponantur in gayolam.

As to appeals nothing at present, for more of them below.^a

Now we treat of an inquest touching the death of a man and other evil doings. And if any be appealed of a man's death he is not to be released by pledges to produce him on the coming of the justices, unless by the King's command.

Inquest made at N. on such a day on the death of such an one before the sheriff and coroners by four townships. They all say upon their oath that W. of N. was consenting to the death of P. of Q. Wherefore the serjeant is commanded that he do take the said W. and that his chattels be attached and appraised.

And now as to 'hate and spite' and the course of enrolling before the justices. And be it noted that when the whole country hath come together twelve faithful and lawful men should be chosen and their names set down, and then the prisoners shall be brought before the justices.

Caption of a layman. A. of B. is taken and imprisoned at N. for suspicion of larceny. He cometh and defendeth the larceny and putteth himself upon the oath of [the] twelve jurors. And they all say upon their oath that he is not guilty of the said larceny and receipt nor of other evil deeds. Therefore let him go quit.

R. of C. taken and imprisoned for the death of P. cometh and defendeth the said death, and thereof hath put himself upon the oath of [the] twelve jurors. And they say upon their oath that he is guilty of the said death and of other evil deeds. Therefore let him have judgment that he be hanged, and let his chattels be attached and appraised.

Two men who are unknown were forcibly taken at E. by the king's bailiffs and imprisoned for suspicion of larceny and robbery. They defend the larceny and do not put themselves upon the country, but wish to defend themselves by their bodies. Therefore be they put back into gaol.

^a This seems to refer to a tract on pleas of the crown found in the same MS.

Attachiamenta clericorum. Quidam F. qui dicit se esse clericum captus et imprisonatus appellatus est de quodam probatore de societate et recepto. Archidiaconus Norhantonie procurator domini Episcopi Lincolnensis venit ad petendum clericum suum ex parte episcopi. Et secundum consuetudinem regni liberatus est dicto episcopo sub pena centum librarum.

Explicit modus tenendi curias simul et modus de criminalibus placitis que veniunt in comitatibus et similibus. Set attachiamenta messorum et prepositorum notanda sunt hoc modo.

A. de Monte est responsurus pro uno jumento vel uno equo invento in stipula domini per duas vices ; pleggii etc.

B. est responsurus pro ovibus suis inventis in avenis ; pleggii etc.

C. est responsurus quare cepit averia sua de parco domini sine licencia.

Et sic de omnibus aliis attachiamentis.

[¹ Quand play est en conte ou en autre meyndre court par pleynte e ne mie par bref, e le defendant conusse le trespas ou la dette, quero si il deyve estre resceu a dire rien pur luy desavoluepeer ou ne mie. Respondeo, si purra bien, come en trespas, Je nen puis desdire que jeo ne vus feroyt trespas mes vus ne poez action avoyr, pur ceo qe jay fayt vostre asseez, et dirra coment ; e auxi en dette et allegger soute. Mes coment metra le defendant tiele chose a voyr le quel par pais ou par proeve ou per alaement. Solucio :

¹ This is a marginal gloss. There is another long gloss on the mode of enrolling essoins, which is of little interest.

Attachment of clerks. One F. who saith that he is a clerk is taken and imprisoned and is appealed by an approver for fellowship and receipt. The Archdeacon of Northampton, proctor of the lord Bishop of Lincoln cometh and demandeth him as his clerk on behalf of the bishop. And according to the custom of the realm he is delivered to the said bishop upon a penalty of £100.^a

Here endeth the manner of holding courts and the order of criminal pleas which come into the counties and the like. But the attachments by haywards and reeves should be noted thus:—

A. Hill is to answer for a mare or a horse twice found in the lord's stubble; his pledges etc.

B. is to answer for his sheep found in the oats; his pledges etc.

C. is to answer why without leave he took his beasts from the lord's pound.

And so with all other attachments.

[When there is a plea in a county or other inferior court by plaint and not by writ and the defendant confesses the trespass or the debt, I ask, whether he can be received to say anything by way of avoidance? I answer, Certainly he may; thus in trespass, 'I cannot deny that I did the trespass, but thou canst have no action against me, since I have made satisfaction,' and he specifies what he has done; and so again in debt, where he alleges payment. But how shall the defendant aver this matter—by the country, or by proof, or by law? ^b Answer:—in a county court or court of

^a The bishop becomes bound to produce him before the justices at the next eyre. The clergy bitterly complained of this procedure. A clerk might remain in prison five or six years, for the bishop dared not let him go before the justices in eyre had made their round. See *Mat. Par. Chron. Maj.* vi. 355-6.

^b In the inferior courts special pleas, e.g. 'payment' in debt, 'accord and satisfaction' in trespass, are

possible. The defendant who sets them up must offer some mode of averment. Our glossator discusses four modes, (1) 'the country,' i.e. the verdict of a jury, (2) 'the law,' i.e. compurgation, (3) 'suit,' which would differ from 'law' in that suitors would swear to facts, compurgators to the truth of their principal's oath, (4) 'proof,' which seems the word appropriate to a written document, e.g. a release.

en conte e en court de franchise come en citee e en burgs, par sa ley ou par pais, mes en court de baron si il conusse le trespas e die qell ad fait sun gree, ou il convyent qe il ceo tende de prover ou qe il tende suite, dunt en diverse forme le un e lautre est resceyvable. Quere si il die, Vou le moy pardonastez e ceo proveray jeo bien—en tiel cas la proeve gist bien.]

a franchise, e.g. in a city or borough, by his law or by the country ; but in a court baron if he confesses the trespass and pleads accord and satisfaction he ought to tender 'proof' or 'suit' ; either of these may be received but in different form. Quaere, if he says, 'Thou didst pardon me and that will I prove' :—in such a case 'proof' lies.]

IV. MODUS TENENDI CURIAS.

Curia de visu franciplegii tenta apud Westone die Jovis proxima post festum Sancti Luce anno regni regis Edwardi tercii post conquestum xiiii^{mo}.

Asson'. Johannes Pomy—de visu—per Robertum Clerke.

Henricus Pike—de eodem—per Rogerum Modi. Aff'.

Icy deit le seneschal charger les franciplegges de articles que sount apresenter a cele court e dirra ensi a la ¹ presentour le bedel tendra un liver en sa mayn e le seneschal dirra Tenez vos meyns vous devez lealment enquerer entre vous e lelement presenter touz les articles des queux vous serrez chargiez de part le Roy e le seignur dy ceste court a vostre scient si te aide Dieux al jour de jugement.

En primis si vous presentours estes touz cy come estre deuez, e si nemye ditez nous les defautes.

Si touz ceaux que devient la venue a la journe soient cy, e si non presentez les defautes.

Si touz ceaux qui sount del age de xij. ans e de pluys seient en dessoyne; e si noun ditez nous qui les ad herberge pluys.

Si hu e cri soit leue entre vous en affray de la pees e si les parties furent attachiez come estre devient par la suyte de la doseyne.

Si sange soit espandu entre vous coment e par qy e si les parties furent attachiez.

Si purpresture soit fait ou en ville ou en champs,

¹ Sic.

IV. THE MANNER OF HOLDING COURTS.

Court of View of Frankpledge holden at Weston on Thursday next after the feast of S. Luke in the fourteenth year of King Edward III. [A.D. 1340].

Essoins. John Pomy—of [suit to] the view—by Robert Clerk.

Henry Pike—of the same—by Roger Moody,
Faith pledged.

Here shall the steward charge the frankpledges with the articles which are to be presented at this court, and shall speak as follows to the presenters, and the beadle shall hold a book in his hand and the steward shall say: Hold [up] your hands. Ye shall loyally enquire among yourselves and loyally present all the articles of which ye shall be charged on behalf of the King and the lord of this court to the best of your knowledge. So help you God in the day of judgment.

First whether ye the presenters be all here as ye should be; and if not, tell us of the defaults.

Whether all those who owe suit to this session be here; and if not, present the defaults.

Whether all those who are twelve years old and upwards be in a dozen; and if not, tell us who has harboured them since [that age].

Whether hue and cry hath been levied among you in an affray of the peace, and if the parties were duly attached by the suit of the dozen.

Whether blood hath been shed among you; how and by whom, and whether the parties have been attached.

Whether any purpresture has been made in the vill or

sicome fymer en la haut rue a noyaunce de pais ou mur levee par veisyn sur autre ou en la haut chemyn le Roy sicome sendis ou porchis que seu iour soient abatuz ou en champes nul ren arree veisin sur autre e sur le haut chemyn le Roy.

Si le cours dewe soit estoppee de son droit cours ou par qi ou coment que tiel jour soit redresse.

Si seinctis dever senct esglise dever moleine ou dever comune fontaigne soit deffait ou par qi.

Si soient entre vous nullz petitiz larrons come de owes aues e geleynes queux y sont.

Si soient entre vous nullz grantz larrons come de chivals boefs porcs e berbys queux y sount e de leur larcine e de leur biens e de leur chateux.

Si soient entre vous nullz robbiours en boys ou en le haut chemyn le Roy, e de leur mayntenours.

Item si soient entre vous nullz larons qe sakent draps hors a fenestres de leur larcine e de leur receytours.

Item si soient entre vous nullz herbiiorers contre lassise qare sovent aveigne qe herbiiorers e receytours sount mordisours de leur hostes en nutantre.

Item si soient entre vous nullz braceresses ou regrateresseez qe bracent et vendunt contre lassise e ceo par faux mesoures.

Item si soient entre vous nullz pestours ou regratours qe fornunt e vendunt payn contre lassise e ceo par faux peys.

Item si soient entre vous nullz taylours qe sachient feare e font de un mantelle chausions e chaperons etc.

Item si soient entre vous orfeveres qe nutantre sachient foundre chaleys ou eskeles ou autre vessel dargent feare de ceaux firmaus anelx katil pur treytorie sicome mordaunt ardiloun e pendauns.

the fields, as for instance a dung-heap placed in the high street to the nuisance of the country, or a wall raised by one neighbour upon [the land of] another or on the King's highway, as for instance on roads or field-paths, that this day it may be abated; or whether in the fields one neighbour hath ploughed upon [the land of] another or on the King's highway.

Whether any watercourse be stopped in its right course; how and by whom; that this day it may be set right.

Whether any paths to the church, the mill, or the common spring be destroyed; and by whom.

Whether there be among you any petty thieves, as of geese, ducks, and poultry; and who they be.

Whether there be among you any great thieves, as of horses, oxen, pigs and sheep; who they be, what their thefts, and what their goods and chattels.

Whether there be among you any who rob in the woods or on the king's highway; and who be their maintainers.

Whether there be among you any thieves who snatch cloths or other things from windows;^a what be their thefts and who their receivers.

Whether there be among you any who harbour folk contrary to the assize, for often it chanceth that such harbourers and receivers murder their guests by night.

Whether there be among you any ale-wives or regratresses who brew and sell contrary to the assize, and that by false measures.

Whether there be among you any bakers or regraters who bake and sell bread contrary to the assize, and that by false weights.

Whether there be among you any tailors who know how to make and do make leggings and caps and the like out of a cloak.

Whether there be among you any goldsmiths who are wont by night to melt down cups or bells or other vessels of silver and to make thereout buckles, rings, goods for wearing, such as brooch-pins and ear-rings.^b

^a For an actual instance of a theft thus perpetrated see *Select Pleas of the Crown*, i. p. 128.

^b Translation doubtful.

Item si soient entre vous nullz feverez qe sovent dun vomer ou de vunsoche emblez fere fere pur chivaus e chaines tonalles e trespees.

Item si soient entre vous qe ont contrefait la moneye le Roye ou qe tondunt la dicte moneye.

Item si soit entre vous nuls qest parjure la terre e soit revenuz qe lad herberge ou receyte depuis.

Item si soit entre vous nulle pucelle vefue ou femme espousee ou ascun autre femme queconque soit ravie contre son gree.

Item si soit nul homme entre vous qe soit vaquerant de nut hauntant comunement la taverne si ne soit riche rentier ou riche marchaunt.

Item si soit nul entre vous qe saunz conge pesche de reiez de heche de petele ou dascun autre chose en riuier ou en estank ou en seroure.

Item si soit nul entre vous qe saunz conge chace de chiens en warennne le seignur ou du Roy prent cerf ditee deym deyme cheveroil ou defurent prent conye levers ou gopil ou tessoun.

Item si soit entre vous nul oisilour qe de reiez semblanz ou dautre engine saunz conge prent grues horoune owe reforayne ascie bekas girue alowe columbe houstour ou esparvir en parke ou aillours.

Item si nul tresoure saunz ¹ terre ou aillours soit deyns la franchise le seignur ou e qay ceo est.

Item si nul weyf soit trove en ville ou en champs ou en boys soit il beste draps ou autre chose si le seignur de ceo servy come estre doit.

Item si soit entre vous nul offucour qe en augst nutantre de meyns come par fosse ou charge de chival ou charette emble autre ble.

Item si soit entre vous nul usurir presentez la maner.

Item si soit entre vous nul bocher ou lieu qe receyve

¹ Corr. *sous*.

Whether there be among you any smiths who know how to make out of a stolen plough-share or coulter, horse-shoes and chains, tongs and trivets.^a

Whether there be among you any who counterfeit the King's money or who clip the said money.

Whether there be among you any who have forejured the land and afterwards have returned; who hath since harboured or received them.

Whether there be among you any maid, widow or wife, or other woman who hath been ravished against her will.

Whether there be among you any man who goeth about loafing by night, commonly haunting the tavern and who is no rich proprietor or rich merchant.

Whether there be among you any who without licence fisheth with nets or heck or pottel or any other thing in river, pond or preserve.

Whether there be among you any who without licence chaseth with dogs in the warren of the lord or of the King or taketh the deer called fallow, buck and doe^b or roebuck, or with a ferret taketh rabbit, hare, fox or badger.

Whether there be among you any fowler who with net, trap or other engine without licence taketh crane, heron, wild-goose,^c wood-cock, snipe, thrush, lark, pigeon, goshawk or sparrow-hawk in park or elsewhere.

Whether any treasure be found underground or elsewhere within the franchise of the lord; where and what it be.

Whether any waif be found in the vill or in the fields or in the woods, be it beast, clothes or other thing; hath the lord been put in possession of this as is right.

Whether there be among you any pilferer^d who at harvest-time by night stealeth the corn of others in small quantities or by handfuls or horse-loads or cart-loads.

Whether there be among you any usurer; present the facts.

Whether there be among you any butcher in the place

^a Translation doubtful.

^b Translation doubtful; the word *ditee* has not been found; perhaps it should be *dite*.

^c Translation doubtful; *reforayne* may mean *riverain*.

^d Translation doubtful.

grassis bestes emblez e feare deliverance en marche ou en quirie.

Item si soit nul tannour qe achate les quirs e pels a son scient de tiels bestes embles.

Item si soit entre vous nul curroul alaunt en estraunge pais qe y colour de son aler come marchant emble chivals par voie e a sa revenue en pais vende une jument ou un poutre pur x. s. qe vaut xx. s.

Item si soit nul entre vous qest usee ou estee a deferer chivals qe liez sount entre vent le fers.

Item si nul rescous soit fait as baillifs le Roy ou a bayllif le seignur en destresses ou en tachmentz faire.

Item si nul homme fuist atache par suspexione de arone e soit deliverez hors par qy.

Item si nulle entre vous ad achate par un buschelle e vendu par un altre come ascunz pistours ou bresours.

Item si nul chaundeler soit qe vende par faulx peys.

Item si soit entre vous nul draper ou auner qe use faulx ancouz en achate ou en vende.

E des qe sont encontre le coroune enquerrez entre vous e si vous vuilliez aver un clerke vous averez.

E¹ tanqe come les doseyners sount hors pur enquerre sur les articles serrount appelez les essones de plez.

Rogerus de B. defendens versus A. de placito debiti per B.

Rogerus de C. defendens versus Petrum Clericum de placito transgressionis per A.

Johannes de A. defendens versus G. de placito detentionis catallorum per D.

Ore deit le clerke de la court demandier de bedel sez atachimentz e ses pleyntz en escript.

¹ After *E* stands *r'*, a usual abbreviation for some part of the verb *respondere*.

who receives fat beasts stolen and makes delivery of them at market or at the tanyard.

Whether there be any tanner who buyeth hides and skins which to his knowledge came from beasts thus stolen.

Whether there be any vagabond who goeth to strange countries and by colour of his going as a merchant stealeth horses by the way and on his return into the country selleth a mare or a foal for 10 s. which is worth 20 s.

Whether there be among you any who is used or accustomed to unshoe horses which he finds tied up and then sells the shoes.^a

Whether any rescue be made from the King's bailiffs or the lord's bailiff when distress or attachments have been made.

Whether any man be attached for suspicion of larceny and whether he hath been delivered out by any ; and by whom.

Whether there be any among you who hath bought by one measure and sold by another, as some bakers and brewers do.

Whether there be any chandler who selleth by false weight.

Whether there be among you any draper or clothier who useth false measures in buying or in selling.

And of those matters which are against the crown, inquire among yourselves and if ye wish for a clerk ye shall have one.

And then when the dozers have gone forth to inquire of the articles, the essoins of pleas shall be called on.

Roger of B. defendant against A. in a plea of debt by [X].

Roger of C. defendant against Peter Clerk in a plea of trespass by A.

John of A. defendant against G. in a plea of detinue of chattels by D.

Then shall the clerk demand of the beadle his attachments and his complaints in writing.

^a The text as it stands seems untranslatable.

Petrus S. querens optulit se versus G. in placitum detencionis catall[orum] et terr[e] debit[i] et habuit hunc diem.

Simon de B. queritur de Waltero Coco de eo quod tali die tali anno dictus Walterus vi et armis contra pacem Regis et domini istius curie in tali loco tali vico ex opposito B. domus Willelmum ¹ de A. dictum Simonem insultavit verberavit vulneravit cum una *ata* in dextro humero ad dampnum istius Simonis c. s. si dictus Walterus dedicere velit dictus Simon habet sectam bonam A. B. et C. etc.

Predictus Walterus inde arenatus defendit vim et injuriam et verba curie et dicit quod tali die nec tali loco nec talibus armis dictum Simonem vulneravit nec ulla enormia eidem fecit sicut versus eum narravit et hoc petit quod inquiratur. Et dictus Simon similiter.

Inquisicio vj. bonorum et legalium inde oneratorum et juratorum per sacramentum suum dicunt quod dictus Walterus predicto die fuit in guerra cum domino Hugone Spenser et quod in dicta querela non est culpabilis. Ideo consideratum est quod dictus Simon pro falso suo clamore in misericordia ij. sol. plegii A. S. B.

Ore doit le seneschal fere elire ² xij. fraunkes tenauntz e sils ne soient tanz par vetz vj. fraunkes e vj. bondes qe puissent oier le presentement de presentour sil facent nul conseylement qils puissent presenter apres qe les douszeiners averent presente.

Presentatores dicunt quod Abbas de B. debet sectam ad istum diem set non est hic. Ideo in misericordia.

Item dicunt quod Rogerus de A. est etatis xij. annorum et non est in decena et quod pater suus eum recitavit et hospitavit. Ideo in misericordia. Et dictus Rogerus defendit ne comor' infra libertatem domini quousque etc.

¹ Sic.

² *fere & lire* MS.

Peter S. plaintiff offered himself against G. in a plea of detinue of chattels—or, as the case may be—a plea of land or of debt, and he had this day.

Simon of B. complaineth of Walter Cook for that on such a day the said Walter by force and arms against the peace of the king and of the lord of this court, in such a place, in such a street, opposite the house of William of A. assaulted the said Simon and beat and wounded him with an axe on his right shoulder to his damage 100 s. If the said Walter will deny, the said Simon hath good suit A. B. and C. etc.

The said Walter arraigned of this defendeth tort and force and the words of court and saith that on such a day at such a place with such arms he did not wound the said Simon nor any 'other enormous things' to him did as he hath counted against him, and he prayeth that this may be inquired. And the said Simon doth the like.

An inquest of six good and lawful men thereof charged and sworn say upon their oath that the said Walter on the said day was in the wars with Hugh Spenser and is not guilty of the said charge. Therefore it is considered that the said Simon be in mercy (2 s.) for his false complaint; pledges A. S. B.

Then shall the steward cause to be chosen twelve free tenants, and if perchance there be not so many then six free and six bond, who may hear the presentment of the presenter and see that he maketh no concealment, which if he do these twelve may present it when the dozeners have finished.

The presenters say that the Abbot of B. oweth suit to this day's session and is not here. Therefore be he in mercy.

Also they say that Roger of A. is of the age of twelve years and is not in tithing and that his father hath received and harboured him. Therefore be he in mercy. And it is forbidden^a the said Roger that he remain within the lord's liberty until etc.

^a The text is unsatisfactory.

Item dicunt quod Robertus de C. injuste levavit hutesium super B. de T. Ideo dictus R. in misericordia. Plegii A. et B.

Item quod Paulus de C. est causa sanguinis effusi de Willelmo Parkyn. Ideo dictus Paulus in misericordia. Plegii A. et B.

Item dicunt quod Warinus de C. est causa purpresture facte eo quod posuit fimarium suum in vico Regis ad nocumentum patrie. Ideo preceptum est quod statim amoveatur et ulterius dictus Warinus in misericordia. Plegii A. et B.

Item dicunt quod G. de B. levavit unum murum super solum F. visini sui ad nocumentum predicti F. Ideo preceptum est quod prosternatur ulterius etc.

Item dicunt quod Adam de T. obstupavit cursum aque apud Hamlonde et semitam que ducit versus ecclesiam ad molendinum de quibus non currit memoria. Ideo preceptum est quod aqua reducatur in cursu suo ut prius et semite de cetero utantur.

Item dicunt quod Jacobus Daye aravit cum caruca sua apropians sibi tres sulcos de alta strata Regis que ducit versus Raunebury tali loco in prejudicium Regis et ad nocumentum patrie. Ideo in misericordia et ulterius preceptum est quod statim reducatur.

Item dicunt quod Matilda Suty consueta est decipere gallinas visinorum suorum. Ideo abjuret villam, et preceptum est quod nullus receptet illam nec hospitet sub pena ij. d.

Item dicunt quod Radulfus de B. et Rogerus de C. sunt communes depredatores tali loco. Ideo preceptum est quod attachientur per corpora sua et ulterius quod bona et catalla capiantur in manus domini.

Item dicunt quod Rogerus Piper tali die furtive cum hamo per fenestram talis abstraxit duo tapeta et alia necessaria. Ideo ut prius.

Also they say that Robert of C. wrongfully levied the hue upon B. of T. Therefore be the said R[obert] in mercy. Pledges, A. and B.

Also that Paul of C. is the cause of blood shed by William Parkin. Therefore be the said Paul in mercy. Pledges, A. and B.

Also they say that Warin of C. hath caused a purpresture by placing his dungheap on the King's highway to the nuisance of the country. Therefore command is given that it be at once removed, and further that the said Warin be in mercy; pledges, A. and B.

Also they say that G. of B. raised a wall upon the soil of F. his neighbour to the nuisance of the said F. Therefore command is given that it be abated, and further [that G. be in mercy].

Also they say that Adam of T. hath stopped a water-course at Hamland and the path which leadeth to the church or the mill, both of which are from beyond memory. Therefore command is given that the water be brought back into its old course and that for the future the paths be used.

Also they say that James Day hath ploughed with his plough and appropriated to himself three furrows from the King's highway which leadeth to Raunbury, in such a place, to the prejudice of the King and the nuisance of the country. Therefore be he in mercy, and command is given that this be put to rights forthwith.

Also they say that Matilda Suty is wont to filch her neighbours' poultry. Therefore let her abjure the vill, and command is given that none do harbour her on pain of 2 d.

Also they say that Ralph of B. and Roger of C. are common depredators in such a place. Therefore command is given that they be attached by their bodies, and further that their goods and chattels be taken into the hands of the lord.

Also they say that Roger Piper on such a day thievishly with a hook snatched two hangings and other articles from the window of such an one. Therefore [as in the last case].

Item dicunt quod Johannes de C. est communis hospitator et quod hospitavit contra assisam. Ideo in misericordia.

Item dicunt quod in domo ipsius Johannis inventa fuit una cista sub terra in qua fuerunt xij. cipi de argento xij. coeliaria de argento et alia necessaria et unus pannus integer de scarleto continens xxxij. ulnas et quod dum scrutamini¹ alio loco interim evasit. Ideo preceptum est quod attachietur ut prius.

Item dicunt quod Rogerus de B. habet unam commissionem factam nomine Reg' sigill' de uno sigillo proprio ad similitudinem sigill' Reg' ad liberandam gaolam Nortone set non est sigill' Reg' ideo attachietur et salvo mittatur Regi vel Justiciariis de Banco Regis.

Item dicunt quod Rogerus de T. habet denarios ob. qua. novos de moneta Regis set metallum unde fit est mixtum cum stagno. Ideo attachietur per corpus et instrumenta sua et salvo ducatur Regi.

Item dicunt quod Robertus de B. habet multam pecuniam tonsam set per quem nescitur. Ideo attachietur per omnia bona sua quousque melius inquiratur.

Item dicunt quod Johannes Fox viij. annis elapsis interfecit talem et fugit ad ecclesiam et pro eo abjuravit terram et reventus est sine licencia Regis et talis eum receptavit contra pacem. Ideo preceptum est quod ambo attachientur per corpora sua et quod interim omnia tenementa et catalla dicti Johannis capiantur in manus domini et quod dictus decollocetur et Simon ad gaolam Regis salvo ducatur per decenarios.

Item dicunt quod A. et B. invenerunt iiij. homines fugantes xxx. grossos boves extra altam stratam sub parco in aurora diei ante ortum solis et predicti interrogaverunt unum vadium quia boves forinaverunt et fugantes boves rescussum fecerunt et fugerunt et predicti boves fugati fuerunt in parcum et adhuc nulla calumpnia pro dictis

¹ Apparently *scrutaminus*.

Also they say that John of C. is a common harbourer and hath harboured against the assize. Therefore be he in mercy.

Also they say that in the house of the said John was found a chest under the ground, wherein were twelve cups of silver and twelve spoons of silver and other articles and one whole cloth of scarlet containing 32 ells, and that while they were making further search he ran away. Therefore it is commanded that [as before].

Also they say that Roger of B. hath a commission made in the King's name sealed with a seal of his own made like the King's seal for the delivery of the gaol of Norton; but the seal is not the King's. Therefore be he attached and safely sent to the King or to the justices of the King's Bench.

Also they say that Roger of T. hath new pence, halfpence, and farthings of the King's money, but the metal of which they are made is mixed with tin. Therefore be he attached by his body with his instruments [for coining] and safely brought before the King.

Also they say that Robert of B. hath much clipt money; but by whom [it was clipt] is not known. Therefore be he attached by all his goods until better inquiry be made.

Also they say that eight years ago John Fox killed such an one and fled to church and abjured the realm for that deed and hath returned without the King's licence, and such an one hath received him against the peace. Therefore command is given that both be attached by their bodies and that in the meantime all the tenements and chattels of the said John be seized into the lord's hands and that the said John be beheaded and that Simon be safely taken to the King's gaol by the tithingmen.

Also they say that A. and B. found four men driving thirty fat oxen from off the King's highway alongside the pound in early morn before sunrise and asked for a gage since they were removing the oxen, but the drivers made rescue and escaped and the said oxen were driven into the pound and hitherto no claim hath been put in for the oxen.

bobus venit. Ideo consideratur quod si dicti boves non calumpniantur infra unum annum et unum diem quod dominus eos habeat pro vago.

Item dicunt quod Ricardus de B. qui tenuit de domino j. mesuagium et unam virgatam terre cum pertinenciis suspensus fuit pro felonia. Et consideratum est quod dominus habeat dictum mesuagium et dictam virgatam terre quasi escaeta.

Item dicunt quod Benedictus Cementarius consuetus est in autumpno cum caretta colligere aliena blada et alienum fenum et adducere usque ad domum suam. Et ideo preceptum est quod manuopera attachientur et custodiantur quousque melius inquiratur.

Statim predictus Benedictus queritur de omnibus presentatoribus quod maliciose et false ipsum indicaverunt. Plegii de proseguendo A. et B. et habent diem ad proximam et plegii ad respondendum alter alterius eorum.

Item dicunt quod Johannes de T. attachiatus fuit per suspicionem et quod A. et B. qui eum custodierunt ceperunt de eo xl. s. et evasit noctanter. Ideo preceptum est quod predicti attachientur per corpora sua etc.

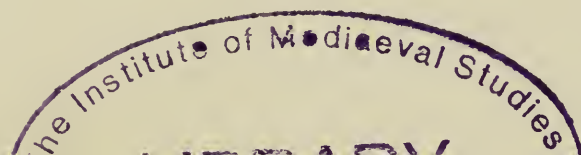
Tastatores servic' presentant quod Agneta vidua brasiat et vendit contra assisam. Ideo preceptum est quod scandat tumberellum cum colo et fuso.

Item presentant quod eadem Agneta utitur falsis lagenis potellis et quarteriis. Ideo in misericordia et ulterius comburantur.

Item presentant quod Petronilla de S. brasiavit iiij. quarteria avene et vendidit contra assisam et antequam servic' fuerat tastatum. Ideo etc.

Ore doit le seneschal feare lever un douszeyne de fraunk tenauntz qe ount oy ceaux presentementz e serrent chargeez de touz les articles e si les presentours ount feat nul consaylement ils le divent presentier oiaunz les auters presentours.

Inquisicio xij. liberorum onerata super presentacionem francipleg[iorum] dicit quod Gerardus de Insula debet



Therefore it is considered that if they be not claimed within year and day the lord do have them by way of waif.

Also they say that Richard of B. who held a messuage and a virgate of land with the appurtenances of the lord was hanged for felony. And it is considered that the lord do have the said messuage and virgate by way of escheat.

Also they say that Benedict Mason is wont at harvest time to collect with his cart the corn and hay of other folk and take it to his house. Therefore it is ordered that his wainage be attached and kept until better inquiry be made.

Thereupon the said Benedict complaineth of all the presenters that falsely and maliciously have they indicted him. Pledges to prosecute, A. and B. A day is given them at the next court and each of the presenters is pledge that each of the others will answer.

Also they say that John of T. was attached for suspicion and that A. and B. who had him in charge took 40 s. from him and he escaped by night. Therefore command is given that the said [A. and B.] be attached by their bodies.

The ale-tasters present that Agneta the widow brewed and sold contrary to the assize. Therefore command is given that she do ascend the tumbrel with distaff and spindle.

Also they present that the said Agneta useth false gallons, pottels and quarts. Therefore be she in mercy, and further be they burnt.

Also they present that Peronel of S. brewed four quarters of oats and sold against the assize and before the beer was tasted. Therefore etc.

Then shall the steward cause to be constituted a dozen of free tenants who have heard the presentments, and they shall be charged with all the articles, and if the presenters have made any concealment they must present it in the hearing of the said presenters.

The inquest of twelve free [tenants] charged upon the presentment of the frankpledges saith that Gerard of the

sectam curie et non venit. Ideo in misericordia, et sic de aliis.

Ore serrunt mys en douseyne ceux qe sont presentez devaunt e doit le clerk charger lenfeat¹ en tiele manere e dirra Mettez la mayn sur la lyver. Vous serrez leal homme e lealte porterez a nostre seignur le Roy e a sez heires e a vostre seignur de ceste manere e a ses heires e serrez justizable a vostre chief douseynour e ceo si vous eyde Dieux e ses seintes. E donsqe baysera le liver e donera un den. a clerk pur son fee e serra son noun entre en la roule de douseyners e issint des auters.

Ore serrunt esluz iiij. taxours e serrount deux fraunkes e deux bondes e serrount jurez qils deverent lealment taxer chescun homme solonc le trespas save a gentiel homme sa countenance de son hostiel ten' a marchaunt sa marchandise a terre tenaunt sa carue e sa charette.

$$\text{Taxatores} \left\{ \begin{array}{l} \text{Robertus} \\ \text{Rogerus} \\ \text{Willelmus} \\ \text{Radulfus} \end{array} \right\} \text{Summa.}$$

Curia tenta apud Myddeltone die Lune proxima post festum Sancti Nicholai anno regni regis Edwardi tercii post conquestum xvj^{mo}.

Asson' Willelmus Clericus — de communi — per A.

Rogerus Stoute — de eodem — per B.

Robertus Fox — de eodem — per C.

Johannes Faber deffendens versus Ricardum Potster de placito transgressionis et terre debiti covencionis et detencionis catallorum per Johannem Bartlot.

Johannes Sutor querens et Ricardus Lovell defendens in placito terre per le con² sunt ita quod Ricardus ponit se

¹ Sic.

² Corr. *per licenciam concordati* [?]

Isle oweth suit of court and hath not come. Therefore be he in mercy. And so with other matters.

Then shall be put in dozen those who have been presented [as being out of dozen] and the clerk shall charge the boy in manner following, saying, ‘Put thy hand upon the book. Thou shalt be lawful man and bear loyalty to our lord the King and his heirs and to thy lord of this manor and to his heirs, and shalt be justiciable by thy chief dozener; so help thee God and His saints.’ And then he shall kiss the book and give a penny to the clerk for his fee, and his name shall be entered on the roll of dozeners; and so with the rest.

Then shall be chosen four taxers, two of whom shall be free and two bond, and they shall be sworn that they will lawfully tax every man according to his trespass, saving to a gentleman the contenement of his house, to a merchant his merchandise, to a land-tenant his plough and cart.

Taxers	$\left\{ \begin{array}{l} \text{Robert} \\ \text{Roger} \\ \text{William} \\ \text{Ralph} \end{array} \right\}$	Total [of the amercements].
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Court holden at Middleton on Monday next after the feast of S. Nicholas in the sixteenth year of King Edward III. [1342].

Essoins. William Clerk — of the common [suit] — by A.
 Roger Stoute — of the same — by B.
 Robert Fox — of the same — by C.

John Smith defendant against Richard Potster in a plea of trespass—or of land—or of debt, covenant or detinue of chattels—by John Bartlot.

John Cobbler plaintiff and Richard Lovell defendant in a plea of land have made concord by leave of the court to the effect that Richard puts himself [in mercy] with A. and

per plegium A. B. et est concordia talis quod dictus Ricardus relaxabit et quietum clamabit predicto Johanni et heredibus totum jus et clameum quod umquam in illa terra que ¹ habuit in Uptone.

Ricardus de C. querens optulit se versus Hugonem de T. in placito detencionis qui supra essoniatus ² et habuit diem ad proximam sine assonio.

Ore doit le seneschal enquerer par les francipleges coment le fraunchise le seignur est garde.

Si le baylif ou provost messer ou nul de sergeantz se portent mal en lour office e chescun coment e en quy.

Si soit nul voidaunce de tenementz de frankes ou de bondes e quele chose le seignur avera par lour mort come de heriot e de sa ³ autre chose.

Si nul bonde ne soit de pour de tener le tenement qil tient ditez nous lencheson.

Si nul bonde taverne sa terre ou partie a fraunk homme ou a autre sanz congee.

Si nul bonde soit aloyne hors de la seignurie ove sez biens e sa suyte verz queu pays.

Si nul file de bonde soit cochee noun marie e soit *conu* en chapitre e qoy ele dona pur sa correctione e dean.

Si homme ou femme qest bonde soit tarie en chapitre dautre chose forsque de matrimoyne e testament.

Si nul file de bonde soit marie sanz congee ou a qi e queux biens son piere dona ove ly *en* darreez.

Si nul bonde soit ordeyne clerk saunz conge.

Si nul bonde eyt abatu keyne ou freisne en son gardeyne si ne soit pur mesoner ou pur charue ou charette quantz e le pris.

¹ Sic.

² *esson*' MS.

³ Sic.

B. as pledges and that Richard shall release and quitclaim to the said John and his heirs all the right and claim that he ever had in the land that he held at Upton.

Richard of C. plaintiff offered himself against Hugh of T. in a plea of detinue. Hugh is essoined as above and has day at the next court when there is to be no essoin.

Then shall the steward make inquest by the frankpledges as to how the lord's franchise is maintained.

Whether the bailiff, reeve, hayward or any other of the servants behaveth himself ill in his office, and in each case how and in what.

Whether there be any voidance in the tenements of free or bond and what the lord shall have by their death by way of heriot or otherwise.

Whether any bond [man] be insufficient to hold the tenement that he holdeth; and tell us the reason.

Whether any bond [man] demiseth ^a his land or part of it to any free man or other man without licence.

Whether any bond man hath betaken himself outside the franchise with his goods and his following; and whither.

Whether any bond man's unmarried daughter hath committed fornication and been convened in chapter, and what hath she given to the dean for her correction.^b

Whether any bond man or woman hath been charged in the chapter touching any thing other than marriage or testament.

Whether any bond man's daughter hath been married without licence, and to whom, and what her father hath given with her in the way of goods.

Whether any bond man hath been ordained clerk without leave.

Whether any bond man hath cut down oak or ash in his garden, unless it be to repair house, plough, or cart; and how much he hath taken.

^a Guess-work.

^b See our Manorial Pleas, i. p. 98. If a villan gets into trouble in the ecclesiastical courts he jeopardises

goods which in strict law are his lord's. The dean here mentioned will be the rural dean.

Et puis de touz autres choses queux sont a presentier pur le seignur.

Ore devient presentier. Francipleggii dicunt quod Robertus Prepositus semper utitur foris et tabernis et quod necligens est in omnibus operibus suis. Ideo removeatur. Et statim electus est loco suo P. de M. qui debet sic onerari. Vous serreez leal a vostre seignur e lealment freez quant a un provost apent e lealment vous devez charger de toutz les resceytes e lealment vous descharger par lealx dispenses a vostre poar e a vostre scient si vous ayde Dieux e ses seintz. E donsque le dit Robert serra arestu e touz ses biens pris en la mayn le seignur jesques il eit trove bone suyrte a respondre a seignur par leal aconpte de tout son temps, e sil ne puisse trover nulls meynpernours soit il mis en cieps sur j. puner en la garde de ses veisines desque il eit grace de son seignur e outre ceo soient venduz ses biens e la terre qil tient assise a un autre bonde.

Item dicunt quod Robertus Parker non custodit parcum domini quia dat et vendit feras et boscum vendit voluntate sua Rectori de A. unum cervum. Ideo preceptum est quod attachietur per omnia bona sua et salvo custodiatur quousque dominus ordinaverit etc.

Item dicunt quod Willelmus Messor in autumpno conscenciens est malefactoribus de blado domini. Ideo in misericordia ; plegii J. et A. et ulterius removeatur.

Item dicunt quod Walterus Carter male custodit equos domini quia furatur prebend[am] eq[uorum] ad valenciam unius busselli. Ideo etc.

Item dicunt quod Rogerus Seminador decipit terram domini seminando pro eo quod parum et parum furatur semen unde attentus¹ fuit de j. bus. frumenti precii iij. s. Ideo in misericordia ; plegii A. et B. et ulterius removeatur.

Item dicunt quod Johannes Frankeleyne qui tenuit

¹ Sic.

And afterwards of all other matters which are to be presented for the lord.

Then they shall make presentment. The frankpledges say that Robert the reeve is always haunting fairs and taverns and that he is negligent in all his duties. Therefore be he removed. And P. of M. is at once elected in his stead, and is to be charged thus :—‘Thou shalt be loyal to thy lord and shalt loyally do all that to a reeve belongeth and loyally shalt thou charge thyself with all receipts and loyally discharge thyself with all lawful expenses to the best of thy power and knowledge. So help thee God and His saints.’ And then the said Robert shall be arrested and all his goods taken into the hand of the lord until he hath found good surety to answer to his lord by lawful account for all his time, and if he can find no mainprise he shall be put in the stocks upon a pining-stool in the custody of his neighbours until he hath the grace of his lord, and besides this his goods shall be sold and the land that he holdeth shall be let out to another bond [man].

Also they say that Robert the parker doth not duly keep the park of the lord, for he giveth and selleth at his will beasts and wood, [thus, for example,] a hart to the rector of A. Therefore command is given that he be attached by all his goods and kept safely until the lord shall [otherwise] ordain.

Also they say that in harvest time William the hayward hath been consenting with malefactors touching the lord’s corn. Therefore be he in mercy ; pledges, J. and A. ; and further, be he removed.

Also they say that Walter the carter doth ill keep the lord’s horses, for he stealeth the provender of the horses to the amount of one bushel. Therefore etc.

Also they say that Roger the sower defrauds the lord’s land when sowing, for that by little and little he stealeth the seed, whereby he hath possessed himself of one bushel of corn, price 3s. Therefore be he in mercy ; pledges, A. and B. ; and further, be he removed.

Also they say that John the Franklain who held freely

unam virgatam terre libere de domino per servicium v. s. per annum mortuus est et quod dominus habebit nomine herioti unum equiferum cum freno sella et gladio. Item dominus habebit custodiam Johannis filii et heredis ipsius Johannis cum tota terra sua quousque fuerit plene etatis et tunc dabit relevium et faciet feoditatem in hec verba Ceo oiez vous mon seigneur que jeo Johan filz e heire P. F. vous serray foial e leal e foy vous portera de frank tenement que jeo cleyme tener de vous e lealment vous fray les customes e services que feare vous dei a les termes assignez si me eyde Dieux e sez seintz.

Item dicunt quod J. de B. qui tenet unum mesuagium et unam virgatam terre in bondagio non est potens tenendi nec sustinendi terram suam. Ideo capiatur in misericordia¹ domini.

Item dicunt quod Alicia de C. que tenet ut supra dimisit et tradidit Johanni Clerico medietatem terre sue ad arandum et seminandum pro media vestura sine licencia domini. Ideo capiatur in manus domini.

Item dicunt quod M. de T. est causa letherwyt. Ideo in misericordia; plegii A. et B.

Rogerus W. pro ingressu habendo in illo mesuagio et illa virgata terre quam pater suus tenuit dat iij. lib. Plegii A. et B. Et faciet servicia que pater suus fecit. Coment il ferra fealtee. Ceo oiez mon seigneur que jeo Roger vous serra feal e leal e foy vous portera de tenement que jeo teigne de vous en villinage e vous serray justizable de corps e de chateux si me eyde Dieux e sez seintz.

Alicia de B. invenit plegios A. et B. quod de cetero manutenebit tenementum et terram sicut alii vicini. Ideo considerandum est quod rehabeat terram suam.

Willelmus de B. pro eo quod non debet esse prepositus domini apud C. dat xx. s.

¹ Corr. *in manum*.

a virgate of land of the lord by the service of 5 s. a year is dead, and that the lord shall have by way of heriot a cart-horse with bridle, saddle and sword. Also the lord shall have the wardship of John son and heir of the said John with all his land until he be of full age, and then he shall give a relief and do fealty in these words:—‘Hear this thou my lord! I John son and heir of [John] F. will be faithful and loyal to thee, and will bear faith to thee of the free tenement that I claim to hold of thee, and loyally will do to thee the customs and services that do I ought at the terms assigned therefor. So help me God and His saints.’

Also they say that J. of B. who holdeth a messuage and a virgate of land in bondage is not sufficient to hold or maintain his land. Therefore be it seized into the lord’s hand.

Also they say that Alice of C. who holds as above [i.e. in bondage] hath without the lord’s licence demised and delivered half her land to John Clerk to plough and sow on the terms of receiving half the crop. Therefore be it seized into the lord’s hand.

Also they say that M. of T. hath given rise to a legerwite.^a Therefore be she in mercy; pledges, A. and B.

Roger W. giveth £3 for having entry into the messuage and virgate of land which his father held. Pledges, A. and B. And let him do the services which his father did. He shall do fealty thus:—‘Hear this my lord! I Roger will be faithful and loyal to thee, and faith to thee will bear of the tenement that I hold of thee in villanage, and will be justiciable by thee in body and chattels. So help me God and His saints.’

Alice of B. found pledges A. and B. that for the future she will maintain her tenement and land like her neighbours. Therefore it is considered that she do rehave her land.

William of B. giveth the lord 20 s. that he may not be the lord’s reeve at C.

^a The old fine for fornication.

Willelmus de G. queritur de J. B. de placito trans-
[gressionis] terr[e]. Plegii ad prosequendum A. et B.

Ore doit le seneschal de la court comander que Richard que fuist provost veigne a la barre e que le bedel crie si nul homme voille luy pleyner sur luy de trespas ou de dette que ceo facent tantost come il est present.

Magister Robertus de C. rector ecclesie de N. queritur de Ricardo qui fuit ultimus prepositus quod de toto tempore quo stetit prepositus in despectu Dei et Beate E. et ad grave dampnum istius rectoris male decimavit omnia bona domini que decimanda fuerunt ad dampnum dicti Rectoris xx. s.

Dictus Ricardus inde arenatus fuit et dicit quod de omnibus istis sibi oppositis nichil scit set si aliquid scit ¹ ignoratus fuit per subcustodes suos quibus in suo officio ² et hoc petit quod inquiratur. Et dictus rector similiter.

Sex liberi et sex nativi inde onerati et jurati dicunt per sacramentum suum quod dictus Ricardus de omnibus istis querelis et de placitis aliis non nominatis est culpabilis. Ideo preceptum est quod dictus Ricardus ³ petat gratiam de domino et ulterius quod dictus Ricardus maneat in custodia franciplegii quousque redderit ⁴ compotum.

Alicia Vidua queritur de Ricardo nuper preposito de eo quod cotidie imparcavit vaccam suam supponens et dicens quod aliquando fuit in blado domini aliquando in pratis vel in gardino domini quousque ei dederit dim. marcam pro qua vendidit ij. quarteria frumenti quod tunc valerent viij. s. et alia enormia sibi fecit ad dampnum ipsius Alicie viij. s. et alia enormia sibi fecit ad dampnum ipsius Alicie xx. s.

¹ Sic. ² Sic. ³ Ric' MS. Corr. Rec' [?] ⁴ Sic.

William of G. complaineth of J. B. in a plea of trespass—or, as the case may be, of land. Pledges to prosecute, A. and B.

Then shall the steward of the court command that Richard the late reeve do come to the bar, and that the beadle do proclaim that if anyone will complain against him for trespass or debt he shall do so at once since he is here present.

Master Robert of C. rector of the church of N. complaineth of Richard the last reeve that during his whole reeveship in contempt of God and Holy Church and to the heavy damage of the said rector hath he ill tithed all the goods of the lord which were tithable, to the damage of the said rector of 20 s.

The said Richard was arraigned of this and saith that he knoweth nothing of all these things that are charged against him, but that if there be any truth therein he was misled by his underlings to whom he trusted; and he prayeth that this be inquired. And the said rector doth the like.

Six free men and six born bondmen charged and sworn thereof say upon their oath that Richard is guilty of all these matters and of others which are not specified. Therefore command is given that the said [rector^a] do seek the lord's favour, and further that the said Richard do remain in the custody of the frankpledge until he shall have rendered an account.

Alice the widow complaineth of Richard late reeve, for that day by day he hath impounded her cow supposing and saying now that it was in the lord's corn, now that it was in the lord's pasture or his garden, until she gave him a half-mark for which she sold two quarters of wheat, which were then worth 8 s., and 'other enormous things' he to her did to her damage 8 s., and 'other enormous things' to her damage 20 s.

^a It must be the rector and not, as the MS. has it, Richard who is to seek the lord's favour. Richard is a bondman, and having offended, all his chattels have been seized by his

lord. Anyone, therefore, who has aught against Richard can get nothing out of him, but must crave a boon of the lord. See the last paragraph of this tract.

Dictus Ricardus inde arenatus dicit quod nunquam vaccam dicte Alicie imparcavit exonerando illud ut acciperet donum suum et hoc petit quod inquiratur. Et predicta Alicia similiter.

Inquisicio super hoc dicit quod predictus Ricardus de ista querela est culpabilis. Ideo in misericordia et ulterius consideratur quod predicta Alicia recuperet predictam dim. marcam cum dampnis.

Johannes de T. petit¹ Ricardo Preposito xx. s. quos sibi debet pro quatuor quarteriis frumenti que sibi vendidit ad semen domini et x. s. pro pist'² ab eo empt'. Ricardus cognovit debitum etc. Considerandum est quod omnes isti querentes petant gratiam de domino.

$$\text{Taxatores} \quad \left\{ \begin{array}{l} \text{Ricardus} \\ \text{Philippus} \end{array} \right\} \quad \text{Summa}^3$$

¹ Sic. ² Corr. *pisīs*. ³ The next matter in the MS. consists of forms of homage and fealty, and of this some part occurs before the names of the 'taxatores.'

The said Richard being arraigned saith that never did he impound the cow of the said Alice taking from her a gift in order that she might be discharged [of the cow's trespass]; and he prays that this be inquired. And the said Alice doth the like.

The inquest touching this saith that the said Richard is guilty of the matter complained of. Therefore be he in mercy, and further it is considered that the said Alice do recover the said half-mark with the damages.

John of T. demands of Richard [the late] reeve 20 s. which he oweth him for four quarters of wheat which he sold him for the lord's seed, and 10 s. for pease bought of him. Richard confessed the debt etc. It is considered that all these plaintiffs do crave the lord's favour.

Taxers $\left\{ \begin{array}{l} \text{Richard} \\ \text{Phillip} \end{array} \right\}$ Total [of the amercements].

V. THE BISHOP OF ELY'S COURT AT LITTLEPORT.

INTRODUCTION.

THE rolls from which the following extracts are taken are not among the most ancient, but they were placed at the editor's service by the kindness of Mr. O. C. Pell, and since they are of great and varied interest, it seemed advisable that they should be used at once.¹

Littleport lies about five miles north of Ely on the banks of the Ouse : 'it is a great parish of 17,000 acres, 16,000 of which are pure fen land.'² In the thirteenth century the village with its common fields was surrounded on almost every side by unlimited and undrained fen. Its people must have been an amphibious race, largely employed in catching eels for the bishop ; when they were 'attached by their chattels' to answer in court, boats, oars, nets, and bundles of 'lesch' were taken ; indeed 'lesch' seems to have fulfilled some of the uses of money amongst them ; they are habitually owing and being owed so many hundreds or thousands of 'lesch.' 'It would appear,' says Mr. Marshall,³ 'by the allusions in these rolls that the vegetable produce of the fens consisted almost exclusively of sedge (*lesch*) which was probably a name used generically and covered all the species of *Carices* abounding in the fens, as well as the special sedge of Burwell Fen (*Cladium Mariscus*) to which the University of Cambridge was formerly so much indebted as a means of lighting . . . fires. . . . The word "lesch" has now become obsolete in the fens ; but the French name for the plants of the genus *Carex* is "laiche."

In the Inquisitio Eliensis Littleport is described as being rated at $2\frac{1}{2}$ hides ; there is land for six plough-teams : in demesne are 1 hide and 2 teams ; there are 4 teams of the homines ; there are 13 villani with 9 acres each ; 2 villani of 12 acres each ; 8

¹ Some account of these rolls has been given by Mr. W. Marshall in Cambridge Antiquarian Communications, iv. 97.

² *Op. cit.* 99.

³ *Op. cit.* 106.

cotarii of 1 acre each ; 8 servi ; 17,000 eels are obtained from the fisheries and 12s. 9*d.* in respect of dues of fish ; in all it is worth 8*l.*¹ The description given in Domesday Book is substantially similar, but briefer ; there are 15 villani, 8 cotarii, 8 servi.²

From the thirteenth century we have two manorial extents, the earlier from the year 1221, the latter from the year 1277–8.³ In the former year there is a single *censuarius* with 18 acres ;⁴ 5 holdings of ‘*plenae terrae*,’ that is of 12 acres apiece ; 2 holdings of 9 acres ; 17 holdings of ‘*dimidia^e terrae*,’ that is of 6 acres apiece ; 4 crofter holdings of a croft and 5 acres apiece ; 15 cotter tenancies. In 1277 this arrangement of the nucleus of the manor is still visible in almost every particular, and in general we can trace the fate of the several tenements from the one survey to the other. To show how the tenements pass from father to son, it may be worth our while to give the two lists of the tenants of ‘half-lands.’

1221	1277
Azo fil. Ailrech.	Walt. fil. Ace et Galf. nepos ejus.
Alex. de Alrehee.	Alex. de Aldere.
Augustinus.	Patrik.
Gerardus Sneyl.	Thom. Malherbe et Ric. Sneil.
Alicia Vidua.	Will. Neno.
Will. Cote.	Will. Kote.
Gerardus Laurke.	Ric. Lauerke.
Petrus Brockhorn.	Ric. Brokehorn.
Galf. Harenge.	Nigellus Hereng.
Joh. fil. Stanhard.	Joh. Stonhard.
Stangrim.	Joh. fil. Stangrim.
Azo Messor.	Wil. fil. Ace.
Galf. Gibat.	Emma quae fuit uxor Gilberti Brodbak.
Arnoldus Brodhac.	Thomas Brodbak.
Rob. fil. Ricardi.	Rob. Prepositus et Henricus Abbot.
Ermegard Vidua.	Will. fil. Armeyard.
Osbertus Balle.	Rob. fil. Osberti Balle.

¹ D. B. iv. 505. ² D. B. i. 191 b.

³ Brit. Mus. MS. Cot. Tiberius, B. ii., Claudius, C. xi.

⁴ In every case the holding is of so many acres ‘ware.’ The reader will know that of late there has been a controversy as to the meaning of this word. I will not here venture

any guess as to its meaning, but a study of the Willburton rolls convinced me that the ‘*plene terre*’ which near the end of the thirteenth century were described as containing ‘*duodecim acras ware*,’ contained at a little later time 24 acres, while the number of these ‘full lands’ re-

All these tenancies seem to be definitely unfree; while the substantive services remain the same in the two surveys, their servile incidents are more emphatically noticed in the second; even the one *censuarius* makes fine for marrying his daughter, and pays tallage and heriot like the other tenants. Besides these agricultural tenancies there are fisheries whence the bishop draws an enormous supply of eels, some forty thousand eels from this one manor.

But while the agricultural nucleus of the manor remains unaltered, new tenancies are created. In the margin of the second survey there are transcripts of two charters creating freehold tenancies which seem to be older than the earlier survey, though they are not mentioned therein; one at least of the tenements seems to have lain at some distance from the village. Then in the second survey, after the nucleus has been described, we find the heading 'Of the newly enfeoffed,' and after the description of some few and small tenements held at money rents, we have another heading, 'Of the newly enfeoffed in Apesholt¹ and elsewhere in the Marsh,' and on this follow descriptions of numerous tenements of three, six, twelve, twenty, a hundred acres held at money rents of a penny an acre or thereabouts. It looks as if a good deal of land had lately been reclaimed from the fen, and this process seems to have gone yet further before Edward II.'s day, for the court rolls testify to a much more populous manor than that which the 'extents' would lead us to expect. The legal character of these new tenancies is not clearly defined by the survey of 1277; they may have been freehold; those who held them are said to have been 'enfeoffed,' but some of these persons held villan tenements in the village, and were presumably unfree men; also the court rolls contain surrenders of many irregular tenements which seem to form no part of the original nucleus and yet are reckoned to belong to the 'vilenagium' or 'bondagium domini.' As will be remarked below, there is an entry of Edward II.'s day which seems to show that the bishop could on occasion empanel a jury of twelve freeholders, or at least of twelve free men. But the whole drift of both extents and court rolls is to show that the really important and flourishing part of the community consisted of the holders of the full lands and the half-lands.

mained constant, and I could see no sign that the extent of each of them had been doubled by any 'assartation' of the waste.

¹ The Ordnance Map shows Apes Hall two miles away from the village.

The rolls consist of twenty-five membranes. Of these one comes from Edward I.'s time and the year 1285. After that there is a long gap; the remaining membranes deal with the period between 1316 and 1327, and report the proceedings of some fifty-eight courts. The usage seems to have been to hold six courts in the year at somewhat irregular intervals; a court held on some day in each December was 'leta' as well as 'curia.' On that day the civil and manorial business seems to have been taken first, and then the beginning of the leet is marked on the rolls by the occurrence of the names of the twelve jurors whose presentments follow. Year after year the same names occur, and on comparing these names with those of the chief pledges, who are amerced for not producing the members of their respective tithings, it becomes evident that the leet jury was generally, if not always, composed of twelve of the chief pledges. On one occasion William Tepito was amerced for preventing the chief pledges from hearing the articles of presentment by his chatter (*per garulacionem*). In some cases the same man appears as a juror for nine or ten years in succession. On one occasion, however, for some cause that is not apparent, a more elaborate procedure was adopted in the leet, a procedure of double presentment conformable to that of the sheriff's tourn. A jury of twelve is sworn in, which consists of a different set of men from those who ordinarily form the leet jury, and the roll describes them as 'liberi.' They make presentments of the usual kind, but it seems that the material for these presentments is supplied to them by the chief pledges. The case of a youth not in frankpledge is 'concealed,' that is, is not duly presented; thereupon the twelve chief pledges are fined one shilling, and the twelve 'liberi' are fined two shillings. This is almost the only notice that the rolls take of free or villan status, though occasionally a tenant of land is described as 'nativus domini.' If, however, we employ such tests of servility as the payment of merchet and the obligation of serving as reeve, we come to the result that many, if not most, of the chief pledges, the standing jurors of the leet, were unfree. On the whole, however, save for a few slight indications, we might read through these rolls without guessing that many of the names there mentioned are the names of serfs, while a few are the names of free men. When these men are litigating among themselves, status seems of no importance, nor does it affect the police business of the leet.

The amount of business done by the court may be illustrated by an analysis of its proceedings on the 8th of December 1321,

which day was the leet day. There are three surrenders and consequent admittances; the surrendered tenement in every case is small, and the fine no more than a shilling. One action for customary land is tried. Notice of one kind or another is taken of some thirty personal actions that are pending; about two-thirds of them are actions of debt or detinue, the rest are actions of trespass. Then twelve jurors appear upon the scene; they begin with the usual presentment that all alewives and all bakers have broken the assize: whereupon 18 alewives and 14 bakers are amerced; 5 alewives are also amerced for not producing their measures; 5 persons are presented and amerced as common forestallers, and, as is usual, the two aletasters are presented and amerced for not having done their duty; 5 persons have fished by night contrary to the bylaw (*ordinacio*); 4 have committed nuisances; there is also a leper to be removed; 6 men are amerced for not attending the leet; 3 have been guilty of receiving inmates who are not in frankpledge; 20 amercements are inflicted on 8 chief pledges for not producing those who are in their tithings. The whole homage elects a reeve and a reaper or hayward. The total sum raised by the court is 51s. 1d., which consists chiefly of sixpenny and threepenny amercements. In some cases, though not, as it happens, in this instance, the names of the two persons appointed and sworn to affeer the amercements appear at the end of the court's proceedings; apparently these persons are selected from among those who usually serve as jurors and chief pledges, and they seem to be unfree men, though they affeer the amercements of free men.

The following points, of more or less interest, are established or suggested by the rolls:—Cases of difficulty or importance which arise in the court at Littleport may be reserved for the bishop's court or council (*consilium*) at Ely; a similar practice prevailed on the estates of other great prelates. A litigant who thought that insufficient justice was done him might complain to the bishop and obtain a writ directed to the steward commanding him to do right in terms similar to those in which the king would have addressed one of his sheriffs; this practice also we have seen elsewhere. Though freeholders and villans seem much mixed up in litigation, and though we get no information as to whether all or any of the suitors were theoretically the judges or 'judgment finders' of the court, we see that practically the steward has very large power in matters of law; he can overrule an alleged custom as unreasonable.

Many entries deal with the common rights in the fen. Such

rights are valuable, and are carefully limited and preserved. Frequent allusions are made to the *ordinacio* or *bilawe* which regulates them, and certain *custodes de la bilawe* are appointed, whose duty it is to make presentment of offenders who cut turf or reeds at undue seasons or in excessive quantities, who fish by night, who allow their cattle to stray.

One curious entry relates to a claim for common rights made by some of the humbler inhabitants of the manor. The jurors present that strangers who hold nothing of the lord but who hire houses from various persons exercise common rights in the fen: these subtenants they call 'undersetles.' Asked by what title such rights are claimed, the jurors say that every undersetle is bound to reap half an acre for the lord, 'sicut quilibet aneepyman et aneepywyman,' and that this appears by the terrier. Turning to the two surveys, to which doubtless the jurors alluded, we find in the older that 'quilibet anlepiman et quilibet undersetile' is bound to reap half an acre; in the latter 'quilibet anlepiman et anlepiwyman et quilibet undersetle' is bound to do the same. The claim for common rights is rejected. But what is 'aneepyman'? This term seems to mean a man who is single or sole in the sense of being unmarried, and in the context it probably points to one who is no householder, no 'hus-bond.'

As regards the villan tenements we can see a stage in the formation of copyhold tenure. In the cases from Edward I.'s reign, in which there is litigation about such tenements, a jury is employed; at a little later date the litigants put themselves, not upon a jury, but upon the rolls of the court as giving the the proper proof of title. The 'terrier' also is regarded as a document of authority. The influence of the king's courts seems visible when a demandant in his count uses the technical formula of 'a writ of entry ad terminum qui praeteriit.' As to conveyancing: it is not usual to state that the surrenderor yields up the land to the use or in favour of a new tenant; it is more common to record merely that A comes and surrenders, and that B comes and takes the land from the lord without showing any connexion between A and B. Occasionally, but rarely, the 'heirs' of the new tenant are mentioned in the admittance; more commonly the 'habendum' is 'sibi et sequele sue'; this word 'sequela' seems to have about it some taint of villanage: one would use it of cattle, one would hardly use it of free men. The customary land is usually described as the *villenagium* or *bondagium domini*; the phrase *ad voluntatem domini* appears

in the later but not in the earlier admittances. Admittances of a husband and wife to hold to them and their 'sequela' are frequent. Some progress has been made in the evolution of a law of copyhold 'estates'; reversions expectant on life estates are surrendered, and there are a few instances of limitations which must have created either estates tail or estates in 'fee simple conditional.'

In Edward II.'s day the original formation of the manor must have suffered many inroads. Surrenders of very small pieces of land and of fractional parts of the old normal holdings (*plenae terrae*) are common, and so are demises sanctioned by the lord. In not a few cases we can see that one of the greater customary tenants, those who serve as jurors, chief-pledges, manorial officers, has several distinct tenements, some of which he has let out to 'undersetles.' A class of thriving yeomen seems to be forming itself, a manorial aristocracy, but still an aristocracy of villans who must make fine when they give their daughters in marriage. In 1324 many of these tenants got their labour services commuted for additional money rents. On that occasion we find one John Tepito interested either solely or jointly with others in seven tenements of various sizes. He was one of the big men of the vill, was chief pledge, a constant juror, an affeerer of amercements, he was elected reeve; but he paid a fine when his daughter married.

He was also an habitual litigant and seems usually to have had three or four actions pending. Indeed, if the prosperity of a community may be measured by litigation, the township of Littleport was prosperous. The very numerous entries relating to personal actions seldom state the pleadings, but merely record that process was issued, law waged, verdict found, or judgment given in an action of debt, detinue of chattels, covenant or trespass. Wager of law was not very common; the defendants in debt and detinue seem to have generally preferred to put themselves upon a jury. The litigation was by no means always of a trivial kind; substantial debts and damages were recovered, and there are even cases in which the limit of forty shillings seems to have been transgressed.

In addition to the extracts printed below, and in order to save space, the English of some other entries found on the rolls of Edward II.'s time shall here be given, since they throw some light on the personal actions.

William le Veke complains of John Mounfort the elder in a plea why he unjustly detained from him 100 of sedge which he

[John] found in his [William's] custody (*custodia*). And the said William comes and thereof vouches to warranty Geoffrey le Swon, who is not present. Therefore a day is given at the next court for the production of his warrantor.

It is found by inquest that John Manimester unjustly detained from Oliver Beucosin 3 bushels of barley on behalf of John the Reeve's son of Fettewelle which he [John Manimester] undertook (*manucepit*) against him [Oliver] for him [John Reeve's son]. Therefore it is considered that he do recover etc. and the said John be in mercy for the unjust detainer.

It is found by inquest that R. B. and M. his wife have broken a covenant with Mabel Swon as to her board and clothing and her servant girl, to her damage taxed at 40 shillings. Therefore it is considered that the said Mabel do recover etc. and the said R. and M. be in mercy.

It is found by inquest that J. B. broke a covenant with R. B. as to three vestures [i.e. crops] of two roods of land, to the damage of R. B. taxed at 5 s., which the court considers etc.

It is found by inquest that J. M. did not keep a covenant with W. A. as to 1000 of sedge, to W.'s damage taxed at 3 s., which the court considers etc.

It is found by inquest that H. B. and A. his wife unjustly detain from R. L. one fowl and three chicken price 5 d., to their damage taxed at 7 d., which the court considers etc. and H. and A. be in mercy.

It is found by inquest that R. M. unjustly detains from J. F. 8 s. for a boat bought from him and 2 s. 3 d. for the hire of a boat, to J.'s damage taxed at 3 d., which the court considers etc. and R. be in mercy.

It is found by the law of W. I., which S. P. had conceded to him, that S. unjustly detains from W. 12 d. for the carriage of his sedge. Therefore it is considered that W. do recover and S. be in mercy.

It is found by inquest that S. P. unjustly detained from H. M. and J. his wife 300 of sedge. Therefore be he in mercy. And that the said J. unjustly detained from the said S. 5 d. Therefore be she in mercy.

H. A. was attached to answer H. F. of a plea why by default of the said H. A. while he was his servant, died one foal of the said H. F. price 3 s. to his damage etc. And the said H. A. says that it was not by his default and proffers his law.

H. T. was attached to answer J. B. of a plea that he should make him a thousand of sedge (*faceret ei mill' leyc'*) whereof he says that he has made 600. Therefore be he in mercy for covenant broken. And it is commanded to distrain him to make him the said 400.

It is found by inquest that P. I. broke covenant with W. M. as to making him a new 'rother,' to his damage taxed at 2 d., which the court considers that he do recover and for covenant broken be he in mercy. And it is commanded to distrain the said P. to make the 'rother.'¹

It is found by inquest that J. A. unjustly detained from W. P. and K. his wife half a quarter of barley, four fleeces (*vell'*) price 2 s. and 3 s. for the wages of the said K., to damage [whether *hers* or *theirs* does not appear] taxed at 12 d., which etc. and J. be in mercy.

It is found by inquest that J. Sauser did not stack the sedge of J. Albin as he told him to do when he was in his service, to the damage of J. Albin taxed at 18 d., which the court considers etc. and J. Sauser be in mercy.

It is found by inquest that J. Albin unjustly detains from J. Sauser 3 s. 9 d. for his wages. Therefore it is considered that J. Sauser do recover etc. and J. Albin be in mercy.

It is found by inquest that J. P. unjustly detains from J. E. 18 d. on a covenant as to his house (*de convencione domus sue*). Therefore etc. and J. P. be in mercy.

It is found by inquest that Beatrix S. broke covenant with Agnes P. as to making one 'roket' [a rochet, a chemise ?] to her damage 1 d. (*de uno roket perfac'*).

Some of these entries and some of those which follow seem to raise the important question whether long years before the king's courts had developed the action of 'assumpsit' as an action for the enforcement of agreements not under seal, the local courts were not enforcing such agreements. The agreements enforced at Littleport are called 'conventiones'; still we may well doubt whether this word implies that they were agreements which had been put into writing. It is hard to believe that these Littleport villans, who dared not send their children to school without their lord's leave, were very ready with the pen, or that when they made agreements about their petty affairs, they procured parch-

¹ These two attempts to enforce specific performance of a contract will not pass unnoticed.

ment and ink and wax and a clerk. But they certainly do sue upon agreements touching very petty affairs; they sue for 'unliquidated damages' and this clearly marks off the action on a 'conventio' from an action of debt.

In this context we ought to remember that the king's court never by any formal act or declaration took upon itself to enforce the whole law of the land. Only by degrees and owing to the decay of the local courts did its catalogue of the forms of action become the one standard of English law. 'Where there is a right there is a remedy':—this we are nowadays told is an analytical proposition, a truism; but 'where there is a right there is a remedy in the court of our lord the king' is certainly no truism, and at one time would have been plainly false. This is shown by the history of defamation: the local courts gave a remedy against the slanderer while as yet the king's courts gave none. May not the same have been the case with 'parol agreements'? The *carta*, the written agreement, the seal, these are aristocratic forms; gradually they make their way downwards and pervade the whole community; but they begin at the top. There is much evidence that in the twelfth century well-to-do knights and freeholders had as yet no seals. In giving an action on a sealed 'conventio' the king's court of the thirteenth century provided adequately for the agreements that were likely to come before it, the important affairs of the richer and nobler folk; but this did not imply that no 'conventio' was binding unless it was under seal. The time came, however, when the growth of parliamentary institutions deprived the king's court and chancery of their power of openly inventing and sanctioning new forms of action; the 'parol agreement' got shut out, and in after days had to make its entry under an elaborate disguise.

Of course we are not suggesting for one moment that the history of the law of contract begins with the enforcement of 'formless' agreements. The old 'folk law' may have required forms enough; but there seems no absurdity in the supposition that at the beginning of the fourteenth century, the local courts were already enforcing formless agreements. Old requirements of 'form,' for instance the form of 'pledging faith,' or 'plighting troth,' may have dropped off because the king's court no longer paid much heed to them, while the 'form' which the king's court had adopted was utterly inapplicable to the affairs of the villans of Littleport. How they offered to prove their 'conventiones' is not very plain, but they seem to have offered 'suit

'suit' could prove a trespass, could prove a debt, why should it not prove a 'conventio' made and broken?

We may seriously doubt whether Bracton or even Glanvill would have assented to the proposition that agreements made by word of mouth if they cannot be enforced by action of debt ought not to be enforced at all. Glanvill has a well-known passage about '*privatae conventiones*.'

¹ An agreement is made between debtor and creditor as to the giving of a gage for the debt; but the gage is not yet given. What remedy has the creditor in such a case, in particular if the debtor has made similar agreements with other creditors? 'Concerning this it is to be noted that the king's court is not wont to defend or warrant these private conventions as to giving and receiving things in gage or the like if they be made out of court or in any court but the king's, and therefore if they be not kept the king's court will not meddle with the matter, and therefore is not bound to answer concerning the priorities and privileges of various creditors.' There is here no denial that these 'private conventions' are binding; the king's court 'is not wont,' and 'is not bound' to enforce them; that is all. Bracton finds it necessary to modify the doctrine because the action on a written 'conventio' is becoming common; still he will not quite abandon the old phrase which leaves a certain liberty to the king's justices. Speaking of written '*conventiones*' he says that neither party may recede from them; 'still in some cases the king's court is not constrained to go into discussions about these private conventions.'² In another passage he is speaking of 'stipulations,' of contracts made '*verbis*' as distinguished from contracts made '*per scripturam*.' After a display of some romanesque learning, he adds that the king's court never meddles with conventional stipulations 'save sometimes by way of favour.'³ The royal tribunal is now enforcing written agreements though it is not absolutely obliged to do so; unwritten agreements it does not enforce, but it might do so if it pleased. This is not the language of a man who sees any special sanctity in a seal or who would be shocked if he heard that in the local courts '*conventiones*' were proved by oral evidence.

The testimony of these Littleport rolls about this matter does not stand alone. Among the extracts from the records of the

¹ Glanv. x. 8.

² Bract. f. 34: 'tamen non solet aliquando necessitas imponi curiae

domini regis de hujusmodi conventionibus privatis discutere.'

³ Bract. f. 100.

borough court of Nottingham which Mr. Stevenson has admirably edited, there are several cases from the fourteenth century in which a plaintiff sues for 'unliquidated damages' on a 'parol agreement.'¹ It may yet turn out that the rolls of local courts will provide some much needed materials for a history of our law of contract.

¹ Records of Nottingham, vol. i. p. 161 (A.D. 1355), defendant has broken an agreement to repair a pyx; p. 167 (A.D. 1357), defendant has broken agreement to employ

plaintiff as a packer of wool; p. 207-8 (A.D. 1379), defendant has broken agreement to repair a street in partnership with plaintiff.

[CURIA EPISCOPI ELIENSIS APUD LITTLEPORT.]

Littleport. Curia ibidem tenta die Martis in Vigilia S.
Jacobi Apostoli anno Pontificatus H. xxviii^{uo}.

* * * * *

Willelmus Heruy petit versus Walterum Witing unum mesuagium et tres acras terre ut jus suum tanquam de terra servili (et unde Harveus pater ejus fuit seisitus etc.) et in quod idem Walterus non habet ingressum nisi per Herueum le Neweman patrem predicti Willelmi qui illud tenementum dimisit predicto Waltero ad terminum qui preteriit.¹ Et quod tale sit jus suum offert etc.

Et Walterus venit et defendit jus suum totum quando etc. et quod nullum mesuagium nec terram ex dimissione dicti Heruei recepit et quod ita sit petit quod inquiratur. Et predictus Willelmus similiter. Jur' dicunt super sacramentum suum quod Herveus pater predicti Willelmi nunquam fuit seisitus in predicto tenemento ita quod potuit illud dicto Waltero dimittere. Ideo consideratum est quod nichil capiat per querelam suam set pro falso clamore sit in misericordia, et predictus Walterus eat inde quietus.

mīa vj. d.

* * * * *

Convictum est per inquisitionem quod Henricus Larke qui mortuus est tenebatur Johanni de Tyd in decem solidis pro uno mil' rosci quos idem Johannes petit in plena curia versus Julianam Larke uxorem ejusdem Henrici, set jur' dicunt quod die quo in fata decessit nichil habuit in bonis nec aliquod fecit testamentum. Et datus est partibus dies die Lune post festum S. Jacobi Apostoli apud Ely ad curiam

Ely

¹ The demandant follows the precedent of 'a writ of entry ad terminum qui preteriit.'

[COURT OF THE BISHOP OF ELY AT LITTLEPORT.]

Littleport. Court holden there on Tuesday ^a the Vigil of S. James in the twenty-eighth year of Bishop H[ugh of Balsham].

* * * * *

William Hervey demands against Walter Whiting one messuage and three acres of land as his right and as of servile land whereof Hervey his father was seised etc., and into which the said Walter has not entry save by Hervey the Newman his [William's] father who demised that tenement to the said Walter for a term now expired. And that such is his right he offers etc.

And Walter comes and defends all his [William's] right when [and where it shall behove him] and [says] that he received no messuage or land by the demise of the said Hervey, and that so it is he prays may be inquired. And the said William does the like. The jurors say upon their oath that Hervey father of the said William was never seised of the said tenement so that he could demise it to the said Walter. Therefore it is considered that he [William] do take nothing by his plaint, but be in mercy for his false claim, and that the said Walter do go thence quit.

* * * * *

It is found by an inquest that Henry Lark who is dead was bound to John of Tyd in ten shillings for a thousand of rushes which the said John demands in full court against Juliana Lark, wife of the said Henry; but the jurors say that on the day of his death he had no goods and made no testament. And a day is given the parties on Monday after the feast of S. James at Ely at the court there to

^a Tuesday, 24 July, 1285.

ibidem ad audiendum iudicium suum. (Postea concordati
 Condonatur sunt et condonatur amerciamentum quia paup'.)

* * * * *

Convictum est per inquisitionem quod Albinus prepositus
 injuste cepit equum Reginaldi Brid et illud detinuit contra
 vadium et plegium, et hoc fecit per assensum communitatis
 villate ad dampnum taxatum ad sex den. Ideo consideratum
 est quod recuperet predictos sex denarios de tota communi-
 tate predicta, et predictus Albinus cum tota villata in
 misericordia.

* * * * *

**Curia ibidem tenta die Martis proxima post festum S.
 Jacobi Apostoli anno xxviii^{uo}.**

Stephanus filius Johannis le Marchant atachiatus fuit
 ad respondendum Johanni Pectston de placito quare traxit
 ipsum in curiam Abbacie de Rameseye de Welle cum ipse
 justiciabilis in curia domini sui Episcopi, et unde dicit quod
 deterioratus est et dampnum habet ad valenciam duorum
 sol. et inde producit sectam.

Et Stephanus venit et non potest hoc dedicere. Ideo
 consideratum est quod satisfaciat ei de dampnis que taxantur
 ad sex den. [et pro ¹] transgressione sit in misericordia. Et
 preceptum est Messori retinere corpus suum quousque satis-
 fecerit vel securitatem invenerit satisfaciendi de dampno et
 misericordia predictis ac eciam de despectu domino Episcopo
 per ipsum illato, per plegium Witpayn de Welle Rogeri Ide
 de eadem.

* * * * *

Willelmus Brokenhorn petit versus Margar' Tame et
 Fugerum filium suum septem acras prati cum pertinenciis
 in Litleport' ut jus etc. . . .² Radulfus Brokenhorn pater
 suus fuit seisitus etc., et in quos iidem Margar' et Fugerus
 non habent ingressum nisi post dimissionem quam predictus
 Radulfus inde fecit Thome Tame ad terminum qui preteriit,
 et unde dicit quod idem Radulfus eadem tenementa eidem

¹ Roll torn.

² Roll torn.

hear judgment. (Afterwards they made compromise and the amercement is forborne on the ground of poverty)

* * * * *

It is found by an inquest that Albin the reeve wrongfully took a horse of Reginald Bird and detained it against gage and pledge, and this he did by the assent of the commonalty of the township, to his damage taxed at 6 d. Therefore it is considered that he do recover the said 6 d. from the whole commonalty aforesaid, and that the said Albin with the whole township be in mercy.

* * * * *

Court holden there on Tuesday^a next after the feast of S. James in the twenty-eighth year.

Stephen son of John the Merchant was attached to answer John Pectston of a plea wherefore he drew him into the court of the Abbey of Ramsey at Wells whereas he is justiciable in the court of his lord the bishop, and whereby (so he says) he is a loser and has damage to the value of two shillings; and thereof he produces suit.

And Stephen comes and cannot deny this. Therefore it is considered that he do satisfy him for his damages which are taxed at 6 d. and be in mercy (6 d.) for the trespass. And the Hayward is ordered to retain his body until he shall have made satisfaction or found security for the said damages and amercement and also for the despite done by him to the lord bishop. Pledges Witpayn of Wells and Roger Ide of the same place.

* * * * *

William Brokenhorn demands against Margery Tame and Fuger her son seven acres of meadow with the appurtenances in Littleport as his right, [and as that whereof] Ralph Brokenhorn his father was seised etc. and into which the said Margery and Fuger have no entry save after the demise which the said Ralph made of it to Thomas Tame for a term since expired, and he says that the said Ralph

^a Tuesday, 31 July, 1285.

Thome dimisit ad terminum vite etc., et quod tale sit jus suum offert verificare secundum consuetudinem manerii.

Et Margar' et Fugerus veniunt et defendunt jus suum quando etc. et bene cognoscunt seisinam [dicti ¹] Radulfi patris sui set dicunt quod . . . ten' predicto Thome de Tame et cuidam Gileberto fratri suo tenend' [sibi] et heredibus [suis et non] solummodo ad terminum vite . . . didit sursum in manum domini in plena curia tempore H. de Norewolde Episcopi,² que quidem tenementa predicto Fulchero tanquam filio et heredi ipsius Thome descenderunt, et unde predicta Margar' dotata est per ipsum etc., et quod per hujusmodi dōnacionem et reddicionem in curia tenent predicta tenementa ut de jure ponunt se super inquisicionem. Et predictus Willelmus similiter. Et jur' inquisicionis veniunt et dicunt super sacramentum suum quod predictus Ricardus pater ipsius Willelmi eadem tenementa prefato Thome dedit et in curia sursum reddidit tenenda sibi et heredibus suis et non solummodo ad terminum vite. Ideo consideratum est quod predicti Margar' et Fugerus eant inde quieti et predictus Willelmus nichil capiat per querelam suam set sit in misericordia pro falso clamore, plegii Thomas Abbot, Johannes Cornewalleys.

mīa vj. d.

*	*	*	*	*	*	*
*	*	*	*	*	*	*

Lytleport. Curia ibidem die Veneris proxima post festum S. Tiburcii Martyris anno R. R. E. fil. R. E. decimo et Pontificatus J. de Hothom primo.

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³ Johan par la grace de dieu Euesque dely a Nichel de Cantebrugg' senesch' de nostre Isle dely, saluez od notre benecion. Por ce qe une Agnes Ancre nostre tenante de Lutelport' vint a nous a Somersham et nous cria sus que

¹ There are some holes in the roll.

² Hugh of Northwold was bishop from 1229 to 1254.

³ This is a letter annexed to the foot of the roll. A few words in it are hardly legible.

demised the said tenements to Thomas for the term of his life etc.; and that such is his right he offers to verify according to the custom of the manor.

And Margery and Fuger come and defend his [William's] right when [and where it shall behove them,] and fully they confess the seisin of the said Ralph his father [but say that he gave the said] tenements to the said Thomas of Tame and one Gilbert his brother to hold to them and their heirs [and not] merely for life and that [the said Ralph surrendered the said tenements] into the hands of the lord in full court in the time of Bishop Hugh of Northwold, which tenements descended to the said Fulcher as son and heir of the said Thomas, and whereof the said Margery is endowed by him etc.; and that by such gift and surrender in court they hold the said tenements as of right, they put themselves upon an inquest. And the said William does the like. And the jurors of the inquest come and say upon their oath that the said [Ralph] father of the said William gave the tenements to the said Thomas and surrendered them in court to hold to him and his heirs and not solely for the term of his life. Therefore it is considered that the said Margery and Fulcher do go quit and that the said William do take nothing by his plaint but be in mercy (6 d.) for a false claim. Pledges, Thomas Abbot and John Cornwallis.

* * * * *

Littleport. Court holden there on Friday^a after the feast of S. Tiburcius the Martyr in the tenth year of King Edward the Second and the first year of Bishop John of Hotham.

* * * * *

John by the grace of God bishop of Ely to Nicholas of Cambridge steward of our Isle of Ely greeting with our benison. For that one Agnes Ancere a tenant of ours at Littleport came to us at Somersham and complained to us

^a Friday, 13 Aug. 1316.

vous ne lauez mie voluz faire ley et reson endroit de sa dowaire que em la detient a tort en Lettelport' a ce que elle dit *nous* vous mandons que vous facez diligeaument cerchier voz roulles et voz remembrances pur ent sauer la verite, et si par [cases] vous ny purrez ren trouer facez sur ce enquere par bones et loiaux gentz de Littelport par quieles a votre escient [la verite purra mieuz] estre declarre issincque droiture se face et que nous nen oions mes plaint. Done a notre manere de [Somersham] le xxviij. jour de Nouembre.

* * * * *

fin. ij. m. Gwido filius Henrici Gys sursum reddit in manum domini reversionem unius mesuagii et dim. virgate terre cum pert. de villenagio domini ipsum contingentem post mortem Agnetis Abbot ut de hereditate dicti Henrici patris sui secundum consuetudinem manerii. Et venit Johannes Tepito et reversionem totius tenementi predicti cum suis pert. cepit de domino tenendum sibi et sequele sue in villenagio secundum consuetudinem manerii per consuetudines etc. Et dat domino pro ingressu inde habendo per plegium Messarii.

* * * * *

Lytleport. Curia et Leta ibidem die Mercurii in festo Conceptionis B. Marie anno R. R. E. fil. R. E. decimo et Pontificatus J. de Hothum Elyensis Episcopi primo.

* * * * *

vj. d. [Walterus Bindebere jur' dicunt super sacramentum suum¹] quod Johannes Beystens tractavit gurgites apud Welhenhee noctanter et asportavit inde piscem precii vj. d., et quod est amovendus extra villam. Et ret' per Galfridum de Wintering.

iiij. d. Et quod Thomas filius Reginaldi Clerici suspectus est de minutis latrociniis et amovendus extra villam. Et ret' per patrem suum.

Et quod Henricus Beucosin et uxor ejus suspecti sunt

¹ Twelve jurors are named who make the following among other presentments.

that you have not done her law and reason in the matter of her dower at Littleport which is wrongfully withholden from her, so she says, we order you to have your rolls and memoranda diligently searched that the truth may be known, and if perchance you can find nothing, then do you have this inquired by good and lawful folk of Littleport by whom according to your knowledge the truth may be best declared, so that right may be done and that we may hear no plaint. Given at our manor of Somersham the 28th day of November.

* * * * *

Guy son of Henry Guys surrenders into the lord's hand the reversion of one messuage and a half-virgate of land with the appurtenances, being of the lord's villanage, coming to him on the death of Agnes Abbot as of the inheritance of the said Henry his father according to the custom of the manor. And John Tepito came and took from the lord the reversion of the whole of the said tenement to hold to him and his *sequela* in villanage according to the custom of the manor by the customs etc. And he gives the lord 2 marks that he may have entry; the Hayward is pledge.

* * * * *

Littleport. Court and Leet holden there on Wednesday^a the feast of the Conception of the B. V. Mary in the tenth year of King Edward the Second and the first of John of Hotham, Bishop of Ely.

* * * * *

[Walter Bindebere and eleven other jurors say upon their oath] that John Beystens drew the pools at Wellenheath by night and carried thence fish, price 6 d., and that he ought to be removed out of the vill. He is retained by Geoffrey of Wintring (6 d.).

And that Thomas son of Reginald Clerk is suspected of petty larcenies and ought to be removed out of the vill. And he is retained by his father (3 d.).

And that Henry Beucosin and his wife are suspected

^a Wednesday, 8th Dec. 1316.

amoveantur de minutis latrociniis et consuete cap' gall' et aucarum, qui amovendi sunt extra villam.

Et quod Ricardus Schirhorne suspectus est de minutis latrociniis et amovendus extra villam.

Et quod Bartholomeus Chapeleyn consuetus est asportare lesch' diversorum et ret' per Johannem Mounfort et amovendus est.

Et quod Ricardus Torold asportavit de forag' Roberti de Charet' iiij. garbas, ideo etc.

Et quod Johannes Fle est communis malefactor de virgis et de leschia et pisce in marisco de diversis hominibus.

Et quod Galfridus Knyt qui fuit Ripereue in autumpno cepit¹ glenes male adquis' a diversis transgr' et dictum bladum fecit trituri unde habuit j. bus. frumenti precii xx. d., j. bus. ordeï precii xij. d. et ij. bus. fabarum precii xx. d.

* * * * *

Et quod Willelmus Hasel tenet unam molam manualement ad nocumentum molendini domini et non facit sectam ad molendinum.

ij. d.

Littleport. Curia et Leta ibidem die Jovis in crastino S. Thome Apostoli anno supradicto [anno R. R. E. fil. R. E. xi° et Pontificatus J. de Hothom secundo].

* * * * *

Johannes de Elm querens optulit se versus Johannem Fox juniorem de placito quare ix° lesch' sue car' et ei injuste det' etc.

Et dictus Johannes Fox venit et defendit etc. et dicit quod nullam lesch' ipsius Johannis de Elm asportavit prout ei imponit, et hoc paratus est ei inde defendere secundum quod curia consideraverit etc., et unde vad' ei legem, quam quidem legem dictus Johannes de Elm ei concessit, quam quidem legem dictus Johannes Fox facere noluit. Ideo consideratum est quod dictus Johannes de Elm recuperet

mīa iiij. d.

¹ cepit repeated.

of petty larcenies and are wont to take fowls and geese, and they ought to be removed from the vill. (Let them be removed.)

And that Richard Shirehorn is suspected of petty larcenies and should be removed from the vill (6 d.).

And that Bartholomew Chaplain is wont to carry off the sedge of divers persons and is retained by John Mounfort and should be removed (6 d.).

And that Richard Torold carried off four sheaves of the forage of Robert of Charet; therefore etc. (3 d.).

And that John Fle is a common malefactor touching the sticks and sedge and fish in the fen belonging to divers persons (6 d.).

And that Geoffrey Knight, who was the reaping-reeve, at harvest time took from divers trespassers the gleanings wrongfully acquired by them, and had the said corn threshed and had thence 1 bushel of wheat, price 20 d., 1 bushel of barley, price 12 d., and 2 bushels of beans, price 20 d. (4s. 4d.).

* * * * *

And that William Hasel holds a handmill to the nuisance of the lord's mill and makes no suit to the lord's mill (2 d.).

Littleport. Court and Leet there on Thursday^a the morrow of S. Thomas the Apostle in the [eleventh year of King Edward the Second and the second of Bishop John of Hotham].

* * * * *

John of Elm plaintiff appears against John Fox the younger in a plea of trespass wherefore he carried off 9 hundreds of his sedge and unjustly detains them from him.

And the said John Fox comes and defends etc., and says that he carried off no sedge of the said John of Elm as he surmises against him, and this is he ready to defend against him in such wise as the court shall consider. And of this he has waged a law, and the said John of Elm has conceded him the said law, and the said John Fox has declined to make the law. Therefore it is considered that the said

^a Thursday, 22nd Dec. 1317.

lesch' suam etc., et dictus Johannes Fox in misericordia etc. per plegium Johannis de Elm.

* * * * *

ij. s. De Willelmo le Meyre batellario quia noluit cariare homines domini prout cepisse potuit de extraneis et contempnit ballivos domini. Ideo pro contemptu in misericordia per plegium Johannis Porteroye et Johannis Pexton.

* * * * *

pre' est. [Jur' dicunt super sacramentum suum ¹] quod Thomas Launce (et Johannes frater ejus) fur' est ij. aucas de Henrico Piscatore. Ideo preceptum est amovere ipsos extra villam.

xij. d. Et quod Johannes Pope fur' est anguillas Henrici Piscatoris ad valenciam vj. d. et r' per Willelmum Hewen.

pre' est. Et Thomas filius Reginaldi Clerici consuetus est furare minuta et ret' per patrem suum. Ideo amoveatur etc.

pre' est. Et quod Simon Bretoun suspectus est de minutis latrociniiis. Ideo amoveatur.

xij. d. Et quod Johannes Piscator posuit finum suum in comuni venella et illam ita perforavit quod nemo fere ibidem potest meare.

xij. d. Et quod Johannes Daune consuetus est frangere tassorum ² lesch' diversorum et garbas asportare et r' per Ricardum Auke.

xij. d. Quod Johannes Boystons piscatus est noctanter in alienis pisciniis cum rethibus contra assisam.

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Lyttleport. Curia ibidem die Mercurii proxima ante festum S. Gregorii anno R. R. E. fil. R. E. xi^o et Pontificatus J. de Hothom secundo.

* * * * *

Compertum est per inquisitionem quod Willelmus Peché non fecit leschiam Oliveri Beucosin in Hakonnfen citra

¹ Twelve named jurors make the following among other presentments. ² Sic.

John of Elm do recover his sedge and that the said John Fox be in mercy (3 d.) ; pledge, John of Elm.

* * * * *

William le Meyre, boatman, refused to carry the lord's men from foreign parts whereas he could have taken them and he contemns the lord's bailiffs. Therefore be he in mercy (2 s.) for the contempt, on the pledge of John Porteroye and John Pexton.

* * * * *

[The jurors say upon their oath] that Thomas Launce and John his brother have stolen two geese from Henry Fisher. Therefore it is ordered that they be removed from the vill.

And that John Pope has stolen eels from Henry Fisher to the value of 6 d., and he is retained by William Hewen (12 d.).

And that Thomas son of Reginald Clerk is wont to steal small things, and is retained by his father. Therefore be he removed etc.

And that Simon Breton is suspected of petty larcenies. Therefore be he removed.

And that John Fisher put his dung in the common lane and broke up the said lane so that one can hardly pass by (12 d.).

And that John Daune is wont to break up the stacks of sedge of divers persons and carry off handfuls; and he is retained by Richard Auke (12 d.).

And that John Boystons has fished by night with nets in the fisheries of others against the assize (12 d.).

* * * * *

Littleport. Court there on Wednesday^a before the feast of S. Gregory in the eleventh year of King Edward the Second and the second of John of Hotham.

* * * * *

It is found by inquest that William Peché did not make the sedge of Oliver Beucosin in Hakonfen before Midsummer

^a Wednesday, 8th March, 1318.

mīa vj. d. festum Nativitatis S. Johannis Baptiste uno anno elapso (prout secum convenit) ad dampnum dicti Oliveri taxatum ad xij. d. quos curia considerat etc. Et dictus Willelmus in misericordia.

* * * * *

mīa iij. d. Compertum est per inquisitionem quod Alicia uxor Willelmi le Huxtere defamavit Mabiliam uxorem Ricardi Mauntele unde eadem Mabilia deteriorata fuit in capitulo ad dampnum ipsorum Ricardi et Mabilie xl. d.

* * * * *

mīa viij. d. Jur' presentant quod Willelmus le Fishere vendidit d. lesch' extra communam contra ordinacionem.

mīa viij. d. Et quod Petrus de Weting' qui non est communarius falcavit in communa vj^c lesch' sine advocacione alicujus communarii et vendidit extra.

* * * * *

gersuma
condonatur Johannes de Elm qui tenuit de dominicis domini sex acras terre de novo arentate ¹ per servicium xij. s. per annum dictam terram reliquit ² friscam et incultam ob inopiam et nimiam caristiam illius redditus, quam quidem terram decetero manutenere nec defendere potest prout compertum est per totum homagium. Et modo venit idem Johannes et dictam terram sursum reddit in manum domini. Et venit Robertus le Charetere et dictam terram cepit de domino tenendam per iiij. annos plenarie completos post festum S. Michaelis ultimo preteritum, et gersuma condonatur.

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Lytleport. Curia ibidem die Lune proxima ante festum S. Dunstani anno supradicto [R. R. E. fil. R. E. xi^o].

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mīa vj. d. De Johanne Fox juniore pro convencione fracta versus Johannem Munfort de cariag' lesch' ad dampnum suum taxatum ad ij. s. quos curia considerat.

Compertum est per inquisitionem quod Johannes Brokenhorn vendidit quamdam tapetam quam Is' Launce

¹ Sic.

² Sic.

in last year as he covenanted, to the damage of the said Oliver taxed at 12 d. which the court considers [that he do recover] etc. And the said William in mercy (6 d.).

* * * * *

It is found by inquest that Alice wife of William Huckster has defamed Mabel wife of Richard Mauntele, whereby the said Mabel was put to loss in the chapter [i.e. the ecclesiastical court], to the damage of Richard and Mabel 40 d. (Amercement 3 d.)

* * * * *

The jurors present that William Fisher sold 500 of sedge outside the commune against the ordinance. (Amerced 8 d.)

And that Peter of Weting, who is not a commoner, has mown 600 of sedge in the common without the authority of any commoner and sold them outside. (Amerced 8 d.)

* * * * *

John of Elm, who held of the demesne of the lord 6 acres of land newly set to rent by the service of 12 s. a year has left the said land fresh and uncultivated on account of his poverty and the excessive heaviness of that rent, and is not able for the future to maintain or discharge the said land, as is found by the whole homage. And now comes the said John and surrenders the said land into the lord's hand. And Robert Carter came and took the said land from the lord to hold for four whole years from Michaelmas last. The fine is forborne.

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Littleport. Court there on Monday ^a before the feast of S. Dunstan in the [eleventh year of King Edward the Second.

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From John Fox the younger an amercement (of 6 d.) for breach of a covenant with John Mounford for the carriage of sedge, to his damage taxed at 2 d., which the court awards.

It is found by inquest that John Brokenhorn sold a carpet which Isabella Launce had pledged with him for 1 d.,

^a Monday, 15 May, 1318.

mīa vj. d. ei vadiaverat pro j. d. ad dampnum ipsius Is' taxatum ad ix. d. quos curia considerat et dictus Johannes in misericordia per plegium Roberti le Cartere et Messoris.

Compertum est per inquisicionem quod Johannes Fox junior fregit domum Simonis Bretoun et Marg' uxoris ejus ad dampnum ipsorum Simonis et Marg' x. s. Ideo consideratum est quod dicti Simon et Marg' recuperent etc. mīa vj. d. vel quod dictus Johannes reparet dictam domum in statu quo prius, et dictus Johannes in misericordia.

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Juratores presentant quod Alanus Rushepilere (ij. d.), Johannes Kiggel (ij. d.), Willelmus Godloke (ij. d.), Henricus Bercarius (ij. d.), Johannes le Packere (ij. d.), Johannes Daune (ij. d.), Thomas Launce (ij. d.), Johannes Pomat (ij. d.), Thurstanus de Lakingheth (ij. d.), Johannes mīe ij. s. le Bercher (ij. d.), Willelmus le Charetere (ij. d.) et Robertus ij. d. le Vach' (ij. d.) consuecte coligant ova botorum et exportant extra mariscum ad magnam distruccionem. Ideo etc. Ideo Hugo Fle similiter (ij. d.).

* * * * *

Lyttleport. Curia ibidem die Martis proxima ante festum S. Margarete Virginis anno R. R. E. fl. R. E. xiii^o et Pontificatus J. de Hothum tercio.

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Compertum est per inquisicionem quod Johannes de Elm injuste detinet Johanni Tepito in ¹ iij. s. de conductione batelli sui ad dampnum ipsius Johannis Tepito taxatum ad mīa vj. d. vj. den. quos curia etc. et dictus Johannes de Elm in misericordia, per pleg.' ²

Compertum est per inquisicionem quod Johannes Monfort fecit distringi Johannem de Elm per ballivos Abbatis de Rameseye ubi potuit ipsum justiciasse hic in curia domini in prejudicium domini et dampnum dicti Johannis de Elm taxatum ad vj. d. ³ quos curia etc., pleg' R. Cartere.

Compertum est per inquisicionem quod Ricardus Maunt-

¹ Omit *in*.

² No pledges are named.

³ Another case of this kind is brought before this same court.

to her damage taxed at 9 d., which the court awards her. And the said John be in mercy (6 d.) on the pledge of Robert Carter and the Hayward.

It is found by inquest that John Fox the younger broke the house of Simon Breton and Margery his wife to their damage 10 s. Therefore it is considered that the said Simon and Margery do recover etc. or that the said John do repair the said house as it was before, and the said John in mercy (6 d.).

* * * * *

The jurors present that Alan Rushpiller (2 d.), John Kiggel (2 d.), William Godloke (2 d.), Henry Shepherd (2 d.), John Packer (2 d.), John Daune (2 d.), Thomas Launce (2 d.), John Pomat (2 d.), Thurstan of Lakingheath (2 d.), John Shepherd (2 d.), William Carter (2 d.), and Robert Cowherd (2 d.) habitually collect bitterns' eggs and export them out of the fen to the great destruction etc. Therefore [be they in mercy]. Hugh Fle likewise (2 d.).

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Littleport. Court there on Tuesday^a next after the feast of S. Margaret in the thirteenth year of King Edward the Second and the third of John of Hotham.

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It is found by inquest that John of Elm unjustly detains from John Tepito 4 s. for the hire of his boat, to the damage of the said John Tepito taxed at 6 d., which the court awards etc. and the said John of Elm in mercy (6 d.); on the pledge of [no pledges named].

It is found by inquest that John Mounfort caused John of Elm to be distrained by the bailiffs of the Abbot of Ramsey whereas he might have brought him to justice here in the lord's court, to the prejudice of the lord and to the damage of the said John of Elm taxed at 6 d., which the court awards (amercement 12 d.); pledge, R. Carter.

It is found by inquest that Richard Mauntele (2 s.) and

^a Tuesday, 24th July, 1319.

tele (ij. s.) et Willelmus de Helegeye (xij. d.) defamaverunt
curiam domini hic (falso et maliciose) quod nemo potest
mīc iij. s. justiciam in curia predicta optinere in contemptum domini.

* * * * *

Compertum est per inquisitionem quod Henricus Ber-
carius fecit unam viam per medium crufti Johannis Thepito
mīa vj. d. ad dampnum ipsius Johannis taxatum ad iij. d., quos curia
considerat, et dictus Henricus in misericordia, per plegium
Johannis le Fishere et Messarii.

Preceptum est distringere Robertum le Charetere ad
habendum Simonem Molendinarium manupastum suum ad
pre' est. respondendum Johanni le Hynde de placito transgres-
sionis.

Preceptum est sicut pluries distringere Radulfum Bolay,
Robertum Bolay, Thomam Thame capellanum, Robertum
le Charetere, Johannem de Stowe personam de Kingstede,
tenentes tenementa que fuerunt Michaelis de Lytleport, qui
tenent diversas partes cujusdam mesuagii et unius acre
terre et dim. de villenagio domini que quondam fuerunt
Ricardi Pickerel in auxilio Salomonis Pickerel qui tenet
sextam partem illius mesuagii et duas rodas terre. Qui
quidem tenentes clamant tenere duas partes libere absque
omni servicio inde faciendo in prejudicium et exhereda-
cionem etc. Ideo datus est eis dies apud Ely coram
domino Roberto de Maddingle et Johanne de Cant' et aliis
de consilio domini ostensuris si quid pro se habeant vel
dicere sciant.

* * * * *

Johannes Tepito dat domino vj. d. pro auxilio habendo
ad levandum debitum suum quod recuperavit versus
pre' est. Johannem de Elm in ista curia contentum.¹
vj. d.

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¹ Entries such as this are not very uncommon. John pays sixpence to get three shillings.

William of Hilgey (12 d.) have falsely and maliciously defamed the lord's court here, saying that no one can get justice in the said court, in contempt of the lord.

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It is found by inquest that Henry Shepherd made a way through the middle of the croft of John Tepito to John's damage taxed at 3 d., which the court awards; and the said Henry in mercy (6 d.) on the pledge of John Fisher and the Hayward.

It is ordered to distrain Robert Carter to produce Simon Miller his mainpast to answer John the Hind in a plea of trespass.

It is ordered, as more than once before, to distrain Ralph Bolay, Robert Bolay, Thomas Thame the chaplain, Robert Carter, John of Stowe parson of Kingstead, the tenants of the tenements which belonged to Michael of Littleport, who hold divers parts of a certain messuage and one acre of land and a half of the lord's villanage which formerly belonged to Richard Pickerel, that they come to the aid of Solomon Pickerel who holds a sixth part of that messuage and two roods of land; which said tenants claim to hold two [third] parts freely and without doing any service therefor to the prejudice and disherison [of the bishop]. Therefore a day is given to them at Ely before Sir Robert of Madingley and John of Cambridge and others of the council of the lord [Bishop] to show whether they have anything to produce or say for themselves.

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John Tepito gives the lord 6 d. that he may have aid to levy his debt that he has recovered in this court against John of Elm.

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Lyttleport. Curia ibidem die Veneris proxima post
festum S. Mathei Apostoli anno R. R. E. fil. R. E.
xiii^o et Pontificatus J. de Hothum tercio.

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Compertum est per inquisitionem quod Willelmus de
Elm perturbavit Oliverum Beucosyn apud Wille asportando
remigium suum extra navem suam ad dampnum ipsius
Oliveri taxatum ad vj. d. Ideo etc., et dictus Willelmus in
misericordia per plegium Johannis de Elm et Henrici
Bercarii.

mīa iij. d.

* * * * *

Compertum est per inquisitionem Henr' Sewetegrom
vend' Roberto le Charetere ij. oves matrices quos advocavit
ei esse sanas que quidem oves expirarunt pre putredine ad
dampnum ipsius Roberti taxatum ad xvij. d. Ideo con-
sideratum etc. et dictus Henricus in misericordia per
plegium dicti Roberti.

mīa iij. d.

* * * * *

Henricus Piscator prepositus domini dat domino pro
licencia habenda amovendi ab officio prepositure.

fin. dim. m.

Johannes Fox senior dat domino pro licencia habenda
ab officio messoris.

fin. xvij. d.

* * * * *

[Jur' presentant] quod Johannes de Stretham famulus
Fratrum Hospitalis [S. Johannis] dedit j. garbam fabarum
in campo contra le bilawe.

mīa iij. d.

Et quod Fratres Hospitalis depasti fuerunt oves suas in
autumpno ante glaniatores contra le bilawe.

vj. d.

Et quod dicti Fratres tenent ij. canes euntes in garenno
domini unde oritur suspicio.

pre' est.

* * * * *

Johannes Fox junior dat domino pro licencia habenda
amovendi ab officio messarii ad quod electus fuit, per
plegium Messarii.

fin. ij. s.

* * * * *

Littleport. Court there on Friday^a next after the feast of S. Matthew in the thirteenth year of King Edward the Second and the third of Bishop John of Hotham.

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It is found by inquest that William of Elm has perturbed Oliver Beucosin at Wille by carrying off his oars from his boat, to the damage of the said Oliver taxed at 6 d. Therefore etc., and the said William in mercy (3 d.) on the pledge of John of Elm and Henry Shepherd.

* * * * *

It is found by inquest that Henry Sweetgroom sold to Robert Carter two ewes which he avowed to him to be sound, but which died of the rot to the damage of the said Robert taxed at 18 d. Therefore it is considered etc., and the said Henry in mercy (3 d.) on the pledge of the said Robert.

* * * * *

Henry Fisher, the lord's reeve, gives the lord (6 s. 8 d.) for leave to quit the office of reeve.

John Fox the elder gives the lord (18 d.) to be excused the office of hayward.

* * * * *

[The jurors present] that John of Stretham, servant of the Brethren of the Hospital [of S. John], gave away one sheaf of beans in the field against the by-law. (Amerced 3 d.)

And that the Brethren of the Hospital have pastured their sheep in autumn before the gleaners against the by-law. (Amerced 6 d.)

And that the said Brethren keep two dogs which run in the lord's warren which give rise to suspicions. (Order given.)

* * * * *

John Fox the younger gives the lord (2 s.) to quit the office of hayward to which he was elected; pledge, the Hayward.

* * * * *

^a Friday, 28th Sept. 1319.

Lytleport. Leta et Curia ibidem tente die Martis proxima post festum Concepcionis B. Marie anno R. R. E. fil. R. E. xiii^o et Pontificatus J. de Hothum Elyensis Episcopi iiii^{to}.

* * * * *

Compertum est per inquisitionem quod Johannes Monfort junior fecit hamsokne in domo Johannis Fox junioris et ipsum insultavit cum j. cultello extracto ad dampnum ipsius Johannis Monfort¹ taxatum ad ij. s. Ideo etc. per plegium Roberti le Cartere et R. Bolay.

* * * * *

Lytleport. Curia ibidem die Veneris in septimana Pentecostes anno supradicto.

* * * * *

Juratores presentant quod Johannes Bantelig' qui non est terram tenens falcavit lesch' ante festum S. Johannis contra communem ordinationem. Ideo etc. . . . Et quod Johannes le Packere colligit virgas et vendit extra communam contra ordinationem. . . . Et quod Johannes le Bolewere abscondit se a cariaagio domini et Salomon Ilger similiter (vj. d.). Et quod Johannes Hering' tenet ij. homines falcantes in marisco ubi habere debet de jure nisi j. hominem.

{Et quod omnes subscripti falcaverunt lesch' ante le Hokeday contra ordinationem etc. ideo etc. videlicet, Johannes Bantelig' vj^c, Johannes le Hynde similiter m, Radulfus Bolay similiter m, Roesia Bindebere vj. c . . .²}

Et quod Thomas Brokenhorn et Radulfus Bercarius ceperunt fenum de tasso domini et illud posuerunt coram bestiis suis imparcatis sine licencia.

* * * * *

Compertum est per inquisitionem quod Johannes de Elm injuste detinet Henrico Bercario vj. d. de maritaggio filie sue. Ideo etc. per plegium predictum.

* * * * *

¹ Corr. *Johannis Fox*.

² Six other offenders; but the

whole entry is crossed out for the reason stated in the margin.

Littleport. Leet and Court holden there on Tuesday^a after the Conception of B. Mary in the thirteenth year of King Edward the Second and the fourth of Bishop John of Hotham.

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It is found by inquest that John Mounfort the younger made hamsoken on the house of John Fox the younger and assaulted him with a drawn knife to his damage taxed at 2 s. Therefore etc. (and John Mounfort in mercy 2 s.) on the pledge of Robert Carter and R. Bolay.

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Littleport. Court there on Friday in Whitsun week in the said year.

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The jurors present that John Bantelig who is not a terre-tenant mowed sedge before the feast of S. John against the general ordinance; therefore etc. (12 d.). . . . And that John Packer collects sticks and sells them outside the commune against the ordinance (6 d.). . . . And that John Bullweir subtracts himself from the lord's carrying service and Solomon Ilger likewise (6 d.). And that John Herring keeps two men mowing in the fen where he should have but one (2 s.).

{And that all the below-named have mown sedge before Hokeday against the ordinance: therefore etc.; to wit, John Bantelig 600, John Hind 1,000, Ralph Bolay 1,000, Rose Bindebere 600. . . .} (The amercements are forborne, for this was for fire-bote and house-bote.)

And that Thomas Brokenhorn and Ralph Shepherd have taken hay from the lord's rick and set it before their impounded beasts without leave. (Amercement 6d.)

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It is found by inquest that John of Elm wrongfully detains from Henry Shepherd 6 d. of the marriage portion of his [John's] daughter. Therefore etc.; pledge as before.^o

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^a Tuesday, 11th Dec. 1319.

^b John of Elm has already been amerced for another cause.

Lyttleport. Curia ibidem die Lune in crastino S. Margarete Virginis anno R. R. E. fil. R. E. xiiii^o et J. de Hothum quarto.

* * * * *

ni^d Johannes Fox invenit plegios viz. Robertum le Charetere, Radulfum Bolay et Walterum Albin ad reddendum Magistro Hospitalis S. Johannis unum librum continentem martilog' manual' et processionar' contra proximum cinodum vel valorem ejusdem.

* * * * *

fn. ij. s. Johannes Gardhaut sursum reddit in manum domini unum mesuagium capt' de dominicis domini. Et venit Katerina filia ejus et dictum mesuagium cepit de domino tenendum de domino secundum consuetudinem manerii per cons' etc., et dat domino pro ingressu inde habendo per plegium Messoris. Et predicta Katerina concessit predicto Johanni patri suo dictum mesuagium tenendum ad totam vitam suam per cons' inde domino fac' dum vixerit, et post obitum ipsius Johannis dictum mesuagium dicte Katerine et heredibus suis rem' etc.

mīa iij. d. De Alicia Balle quia defamavit bladum domini per quod alii emptores reliquerunt emere de blado domini ad dampnum domini.

* * * * *

Littleport. Curia ibidem die Veneris proxima post festum S. Luce Evangeliste anno R. R. E. fil. R. E. xiiii^o et Pontificatus J. de Hothum Elyensis Episcopi quinto.

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mīa iij. d. De Radulfo Bolay quia non reparavit domum quam locaverat Henrico Whytering' ad dampnum ipsius H. taxatum ad iij. d.

* * * * *

Willelmus de Thame summonitus fuit ad respondendum Roberto le Charetere de placito quare injuste detinet comuni vie xij. d. quos promisit ad dampnum vj. d. Et

Littleport. Court there on **Monday^a** the morrow of **S. Margaret** in the fourteenth year of **King Edward the Second** and the fourth of **John of Hotham**.

* * * * *

John Fox found pledges, to wit, Robert Carter, Ralph Bolay, and Walter Albin, to return to the Master of the Hospital of S. John a book containing a martyrology, a manual, and a processionalary before the next synod or the value thereof.

* * * * *

John Gardhaut surrenders into the lord's hand a messuage taken from the lord's demesnes. And Katherine his daughter came and took the said messuage from the lord, to hold of the lord according to the custom of the manor by the customs etc., and gives the lord a fine of 2 s. for entry; the Hayward is pledge. And the said Katherine granted to the said John her father the said messuage, to hold for the whole of his life by doing therefor during his life the customs to the lord, and after the death of the said John the said messuage shall remain to the said Katherine and her heirs etc.

From Alice Balle (3 d.) for that she defamed the lord's corn whereby other purchasers forbore to buy the lord's corn, to the lord's damage.

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Littleport. Court there on **Friday^b** next after the feast of **S. Luke** in the fourteenth year of **King Edward the Second** and the fifth of **John of Hotham, Bishop of Ely**.

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From Ralph Bolay for not repairing the house which he let to Henry Whitring to the damage of the said H. taxed at 3 d. (Amercement 3 d.)

* * * * *

William of Thame was summoned to answer Robert Carter why he unjustly detains from the common highway 12 d., which he promised, to [its] damage 6 d. And William

^a Monday, 21st July, 1320.

^b Friday, 24th Oct. 1320.

lex Willelmus dicit quod in nullo denario dicte vie promisit nec debet. Et ideo est ad legem, pleg' R. Bolay.

* * * * *

mīa iiij. d. Willelmus le Huxtere cognovit se teneri communi vie in ij. s. quos curia etc. et dictus Willelmus in misericordia. Florencia le Berch' cognovit se teneri dicte vie in vj. d. Ideo leventur etc. et Florencia in misericordia.¹

* * * * *

pre' est. [Jur' presentant] quod idem [Johannes] Porcarius habet j. canem qui momordit unum cuniculum domini. . . . Et quod quidam canis vicarii fug' sepius lepores in campo. . . . Et quod canis Johannis Manimester fugavit suem Johannis Albyn unde dicta sus amisit porcellos suos ad dampnum ipsius Johannis taxatum ad xvij. d. quos curia considerat etc. et dictus Johannes Manimester in misericordia.

* * * * *

Littleport. Curia et Leta tente ibidem die Lune proxima post festum S. Lucie Virginis anno R. R. E. xiiii°.

* * * * *

mīa vj. d. Compertum est per inquisitionem quod Ricardus Manteley implacitavit Willelmum le Meire in curia Abbatis de Rameseye apud Elm ad dampnum ipsius Willelmi taxatum ad xij. d. Ideo consideratum est quod dictus Willelmus recuperet etc.

* * * * *

mīa vj. d. Compertum est per inquisitionem quod Galfridus Wheteryng fregit convencionem Roberto Bolaye de xvj. s. quos ei tradidisse debuit ad convertendum in mercimoniis ad dampnum ipsius Roberti taxatum ad v. s. Ideo consideratum est quod recuperet dictos v. s. et dictus Galfridus in misericordia etc.

mīa iiij. d. Compertum est per inquisitionem quod idem Robertus tenetur eidem Galfrido in iiij. s. de denariis quos recepit ab eodem Galfrido ad mercimonium convertendum. Ideo etc. et dictus Robertus in misericordia.

* * * * *

¹ Several similar entries follow, the sums due to the common way being very various.

says that he neither promised nor owes any penny to the said way. Therefore he is at his law; pledge, R. Bolay.

* * * * *

William Huckster confesses that he is bound to the common highway in 2 s., which the court [awards to be levied] and William in mercy (3 d.). Florence Shepherd confesses that she is bound to the said highway in 6 d.; therefore be it levied, and Florence in mercy (2 d.).

* * * * *

[The jurors present] that the said John Swineherd has a dog which ate a rabbit of the lord. (Order is given.) And that a dog of the Vicar often chases hares in the field. (Amercement 3 d.) And that the dog of John Manimester chased a sow of John Albin, so that she lost her pigs, to his damage taxed at 18 d., which the court awards, etc., and John Manimester in mercy (6 d.).

* * * * *

Littleport. Court and Leet held there on Monday^a next after the feast of S. Lucy in the fourteenth year of King Edward the Second.

* * * * *

It is found by inquest that Richard Maunteley impleaded William le Meire in the court of the Abbot of Ramsey at Elm, to his damage taxed at 12 d. Therefore it is considered that William do recover etc. (and Richard in mercy 6 d.).

* * * * *

It is found by inquest that Geoffrey Whitring broke a covenant with Robert Bolay touching 16 s. which he was to have delivered him to convert in merchandise, to Robert's damage taxed at 5 s. Therefore it is considered that he recover the said 5 s. and Geoffrey in mercy (6 d.).

It is found by inquest that the said Robert is bound to the said Geoffrey in 4 s. for moneys received from the said Geoffrey to be converted in merchandise. Therefore etc., and Robert in mercy (4 d.).

* * * * *

^a Monday, 15th Dec. 1320.

[Juratores dicunt super sacramentum suum] quod Thomas Thame capellanus non paravit porcionem suam super calcetum (de iiij. perticatis) ad nocumentum omnium ibidem transeuncium (ij. s.). Et quod Willelmus Hewen similiter (*vj. d.*), et quod Johannes Hareng j. rod. (iiij. d.). . . Fratres Hospitalis S. Johannis ij. pertic. (ij. s.). . .¹

* * * * *

Litelport. Curia ibidem die **Martis** in festo **S. Dunstani** anno supradicto [anno R. R. E. fil. R. E. xiiii^o].

* * * * *

Willelmus Michel queritur de Johanne Tepito quod ei injuste detinet xij. s. vj. d. pro una vacca et uno vitulo sibi venditis. Et predictus Johannes dicit quod ei debet iiij. s. et v. d. de predictis vacca et vitulo, et de vij. s. vij. d. dicit se solvisse creditoribus dicti Willelmi per preceptum curie que ei adjudicantur, et quo ad predictos vj. d. dicit quod in nullo denario ei tenetur de empcone predicta, et hoc probavit statim in curia per legem suam ex adversario suo concessam. Et ideo consideratum est quod predictus Willelmus recuperet predictos quatuor sol. et quinque den. et dictus Johannes pro injusta detencione in misericordia. Et similiter predictus Willelmus pro falso clamore vj. d. in misericordia.

m̄ia iiij. d.

m̄ia ij. d.

* * * * *

Compertum est per inquisitionem quod Johannes Beau-cosine injuste retinet garbas et avenam pertinentes Henrico Swetgrome de operibus que domino pro eo fecerat contra convencionem ad dampnum ipsius Henrici taxatum ad iiij. d. Ideo consideratum est quod recuperet etc. et dictus Johannes in misericordia.

* * * * *

Willelmus Tame queritur de Willelmo Habot (iiij. d.), Michaelle Gigil (iiij. d.), Johanne Boystons (iiij. d.), Alano Rispiler (iiij. d.) et Johanne Gigil (iiij. d.) de placito quare

m̄te xy. d.

¹ Various amercements are inflicted for non-repair of the roadway; the amount of roadway varying from case to case.

[The jurors say upon their oath] that Thomas Thame the chaplain has not repaired his portion on the road, to wit, 4 perches, to the nuisance of all that pass thereby (amercement 2 s.); and the like of William Hewen (6 d.); and the like of John Hareng as to 1 rod (3 d.) . . . and the like of the Brethren of the Hospital of S. John, 2 perches (2 s.)

* * * * * *

Littleport. Court there on Tuesday ^a the feast of S. Dunstan [in the fourteenth year of King Edward the Second].

* * * * * *

William Michel complains of John Tepito that he unjustly detains from him 12 s. 6 d. for a cow and a calf sold to him. And the said John says that he owes him 4 s. 5 d. for the said cow and calf, and as to the 7 s. 7 d. he says that he paid it to creditors of the said William by command of the court: and this sum (of 7 s. 7 d.) is awarded him; and as to the remaining 6 d. he says that he is bound in no penny of it on the aforesaid sale; and this he at once proved in court by his law, which was conceded to him by his opponent [William]. And therefore it is considered that William do recover the 4 s. 5 d. and John be in mercy (3 d.) for the wrongful detention, and likewise that William be in mercy (2 d.) for the false claim of 6 d.

* * * * * *

It is found by inquest that John Beucosin wrongfully detains sheaves and oats belonging to Henry Sweetgroom as for the work which he [Henry] did for him [John] to the lord, in breach of covenant, to the damage of Henry taxed at 4 d. Therefore it is considered that he recover etc., and John in mercy.

* * * * * *

William Thame complains of William Abbot (3 d.), Michael Gigil (3 d.), John Boystons (3 d.), Alan Rushpiller (3 d.), and John Gigil (3 d.) in a plea wherefore they fished

^a Tuesday, 19th May, 1321.

iiidem piscati fuerunt in separali piscaria sua ad dampnum suum viginti sol. et inde ducit sectam etc.

Et predicti Willelmus Abot et alii veniunt et defendunt etc. et bene advocant illam piscariam unde queritur esse communam et non separalem et hoc petunt quod inquiratur. Et predictus Willelmus dicit quod ad inquisitionem admitti non debent eo quod ipse tenet dictam piscariam de domino per certum redditum per annum in separali et inde vocat recordum terrar'. Quo quidem terrar' inspecto testatur ipsam piscariam esse separalem. Et ideo consideratur quod predictus Willelmus de Thame teneat ex amodo dictam piscariam separalem et similiter recuperet versus eos dampna sua que taxantur ad xxx. d., et predicti Willelmus Abot et alii in misericordia. Pleg' alter alterius.

* * * * *

Litleport. Curia ibidem die Mercurii proxima post festum S. Luce Evangeliste anno R. R. E. fil. R. E. quintodecimo.

* * * * *

Compertum est per inquisitionem quod Roesia Byndeber vocavit Radulfum Bolay latronem et dictus Radulfus dictam Roesiam meretricem. Ideo uterque in misericordia. Et quia transgressio facta dicto Radulfo excedit transgressionem factam dicte Roesie ut compertum fuit ideo consideratur quod dictus Radulfus recuperet de dicta Roesia xij. d. pro dampn' taxat'.

m^{ia} iij. d.

ia iij. d.

* * * * *

Litleport. Curia et Leta ibidem in die Martis in festo Concepcionis B. Marie anno supradicto.

Cum placitum motum fuerit inter Roesia Bindeber tenentem et Radulfum Bolay petentem de una dimidia acra jacente super Arnhille dicta Roesia venit et dicit quod Walterus Bindeber quondam vir suus et ipsa dictam terram

in his several fishery to his damage 20 s., and thereof he produces suit etc.

And the said William Abbot and the others come and defend etc., and avow that the fishery whereof he complains is common and not several, and pray that this be inquired. And the said William [Thame] says that they should not be admitted to an inquest, for that he holds the said fishery of the lord by a certain yearly rent in several, and thereof he vouches the record of the terrier. And the terrier being inspected it is witnessed that the said fishery is several. Therefore it is considered that the said William of Thame do henceforth hold the said fishery in severalty and also do recover against them his damages which are taxed at 30 d. and the said William Abbott and the others be in mercy; they mutually pledge each other.

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Littleport. Court there on Wednesday^a next after the feast of S. Luke in the fifteenth year of King Edward the Second.

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It is found by inquest that Rohese Bindebere (3 d.) called Ralph Bolay thief and he (3 d.) called her whore. Therefore both in mercy. And for that the trespass done to the said Ralph exceeds the trespass done to the said Rohese, as has been found, therefore it is considered that the said Ralph do recover from the said Rohese 12 d. for his taxed damages.

* * * * * *

Littleport. Court and Leet there on Tuesday^b the feast of the Conception of B. Mary in the said year.

Whereas a plea was moved between Rohese Bindebere tenant and Ralph Bolay demandant of one half-acre lying upon Arnhill, the said Rohese comes and says that Walter Bindebere her late husband and she in the time of John

^a Wednesday, 21st Oct. 1321.

^b Tuesday, 8th Dec. 1321.

tempore J. de Ketene tunc Eliensi Episcopo¹ emerunt et gersumaverunt de Ricardo de Tidd qui tunc presens fuit et hoc bene concedit,² et inde vocat ad warantum rotulos ejusdem, qui hoc bene testantur. Et predictus Radulfus dicit quod qualitercumque rotuli testantur contra ipsum dicit tamen quod ista dimidia acra nunquam fuit sursum reddita in curia, set quod tunc clericus istam dimidiam falso mutavit pro una alia dimidia acra ad instanciam dicti Walteri et hoc petit quod inquiratur per vicinos. Qui dicunt super sacramentum suum quod dictus Ricardus istam dimidiam acram sursum reddidit in curia set dicunt quod Adam de Tidd tunc tenens illius terre pater predicti Ricardi huic reddicioni noluit consentire propter quod videtur eis ut dicunt quod ista reddicio non deberet valere. Et querebatur tunc quem statum dictus Adam habuit in dicta terra, dicunt quod nisi ad terminum vite de hereditate predicti Ricardi et hoc per legem Anglie. Propter quod consideratum est quod predicta reddicio bona sit et predicta Roesia habeat predictam terram et predictus Radulfus pro falso clamore in misericordia.³

mā iij. d.

* * * * *

Elizabetha la Lange sursum reddit in manum domini unam porcionem unius cotagii continent' xx. pedes. Et venit Nicholaus Ixseninge et dictam porcionem cepit tenendam et habendam secundum consuetudinem manerii. Et dictus Nicholaus reddet annuatim dicte Elizabethæ ad totam vitam suam xij. d. et dat domino pro ingressu habendo xij. d.

fin. xij. d.

* * * * *

[Juratores dicunt super sacramentum suum] quod Johanna filia Galfridi Witering est leprosa, ideo deponatur.

Et quod Johannes Piscator levavit unam domum porcorum in communia ad dampnum etc.

vj. d.

¹ Bishop from 1310 to 1316.

² This we translate as meaning that Richard is present when Rohese makes her claim, and assents to what she says.

³ It will be observed that the court here overrules the jurors'

opinion about the custom. The question is whether a woman's heir can make a surrender while her husband, the heir's father, is alive and in possession as tenant 'by the law of England,' i.e. as tenant by the curtesy

of Keten, then Bishop of Ely, bought and made fine for the same from Richard of Tidd, who is now present and grants that this was so, and of this she vouches to warrant the rolls of the said [bishop]; which duly testify this. And the said Ralph says that no matter what the rolls may say against him, he none the less says that this half-acre was never surrendered in court, but that the clerk, who then was, falsely made mention of this half-acre instead of another at the instance of the said Walter; and he craves that this be inquired of the neighbours. And they say upon their oath that the said Richard did surrender this half-acre in court, but they say that Adam of Tidd the father of Richard was the then tenant of the said land and would not consent to the surrender, wherefore it seems to them, as they say, that this surrender should be invalid. And it was then inquired what estate the said Adam had in the said land; and they say, only for the term of his life as tenant by the curtesy, the inheritance being Richard's. Wherefore it is considered that the said surrender is good and that the said Rohese do have the said land, and the said Ralph be in mercy (3 d.) for his false claim.

Elizabeth Lange surrenders into the lord's hand a portion of one cottage [tenement] containing 20 feet. And Nicholas of Exning came and took the said portion to have and to hold according to the custom of the manor. And the said Nicholas shall pay annually to the said Elizabeth during her whole life 12 d., and gives the lord 12 d. to have entry.

* * * * *

[The jurors say upon their oath] that Joan daughter of Geoffrey Whitring is leprous. Therefore be she set apart.

And that John Fisher built a pig-stye on the common to the damage etc. (Amerced 6 d.)

vj. d. Et quod Roesia Bindeber levavit unam latrinam ad
nocumentum Radulfi Bolay.

iiij. d. Et quod Stephanus atte Presthous posuit fimarium
suum in communia.

* * * * *

**Litleport. Curia ibidem die Jovis post festum S.
Edmundi Regis anno R. R. E. fil. R. E. xvi^{mo}.**

* * * * *

mīa iiij. d. Johannes Sarle attachiatus fuit ad respondendum
Johanni Tepito de placito quod reddat ei ij^m iiij^c turbas,
quarum predictus Johannes concedit ij^m ij^c quas etc. et pro
detencione in misericordia, et quo ad residuum in nichil ei
tenetur, et inde profert legem et postea condonatur.

Radulfus Anc attachiatus fuit ad respondendum Johanni
Tepito de placito quare cepit corbellos suos et eos posuit in
aqua sua ad dampnum etc. Et predictus Radulfus venit
et dicit quod nullos corbellos suos cepit nisi in aqua sua
propria et inde profert legem per plegium Messoris et
Johannis Patrik' ad terciam manum.

* * * * *

Opera arent' Johannes Albyn de Litleport fecit finem cum domino
pro omnibus operibus suis et arruris provenientibus de j.
plena terra et de duabus dimidiis terris que tenet de bond'
domini, ita tamen quod ipse reddet omnem redditum suum
assissum set non dabit gallinam nec erit in servicio domini,
et pro ista arrentacione dat domino per annum xxx. s.¹

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**Litleport. Curia ibidem die Lune proxima ante festum
Conversionis S. Pauli anno supradicto.**

* * * * *

Johannes le Herde sursum reddit in manum domini
unum mesuagium jacens inter mesuagium Stephani de

¹ At this and the next court several similar commutations are effected.

And that Rohese Bindebere built a privy to the nuisance of Ralph Bolay. (Amerced 6 d.)

And that Stephen at the Priesthouse put his dung-heap on the common. (Amerced 3 d.)

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Littleport. Court there on Thursday^a after the feast of S. Edmund King in the sixteenth year of King Edward the Second.

* * * * *

John Sarle was attached to answer John Tepito of a plea that he do render him 2,400 turves, whereof the said John confesses 2,200 which [the court awards] etc., and be he in mercy (3 d.) for the detention; and as to the residue, [he says that] in nought is he bound to him, and of this he proffers his law. Afterwards this is forborne.

Ralph Anc was attached to answer John Tepito of a plea wherefore he took his baskets and put them in his water to the damage etc. And the said Ralph comes and says that he took no baskets of his save in his [Ralph's] own water and thereof proffers a law three-handed on the pledge of the Hayward and John Patrick.

* * * * *

John Albin of Littleport made fine with the lord for all labour services and ploughings arising from one full-land and two half-lands which he holds of the bondage of the lord, so nevertheless that he is to pay all his [former] assize rent, but is not [any longer] to give a fowl nor be in the lord's service, and for this arrentation he gives the lord 30 shillings a year.

* * * * *

Littleport. Court there on Monday^b next before the Conversion of S. Paul in the said year.

* * * * *

John the Herd surrenders into the lord's hand a mesuage lying between that of Stephen of Burwell on the

^a Thursday, 18th Nov. 1322.

^b Monday, 24th Jan. 1323.

Burwelle ex parte australi et mesuagium Thome Curteys ex parte orientali, et continet in longitudine iiij^{xxv}. pedes et in latitudine ad capud australe xlvj. pedes et ad caput boreale xxxj. pedes. Et veniunt Johannes Bulwarde et Mabilia uxor ejus et dictum tenementum ceperunt habendum et tenendum sibi et sequele sue secundum consuetudinem manerii, et si iidem Johannes Bulward et Mabilia uxor ejus obierint sine herede de corporibus eorum exeunte quod dictum tenementum revertatur heredibus dicti Johannis le Hirde faciendo finem cum domino qui pro tempore fuerit, et predicti Johannes le Hirde et Emma uxor ejus dictum tenementum ad totam vitam eorundem tenebunt.

* * * * *

**Litleport. Curia ibidem die Lune proxima post festum
S. Johannis ante Portam Latinam anno R. R. E. fl.
R. E. xvii^o.**

* * * * *

mīa vj. d. Compertum est per inquisitionem quod Ricardus Mauntele et Matillis uxor ejus fecerunt transgressionem Johanni de Gunten' et Alicie uxori ejus imponendo eos vendere avenam et cervisiam per fals' mens' ad dampnum taxatum ad vj. d., quos etc., et pro transgressionem in misericordia.

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**Curia ibidem die Jovis in Vigilia Apostolorum Petri et
Pauli anno supradicto.**

* * * * *

mīa vj. d. Compertum est per inquisitionem quod Johannes Curteys et Johannes Garhaut vituperaverunt lesch' Hugonis Belde in marisco per quod dictus Hugo amisit vendicionem dicte lesch' ad dampnum taxatum ad ij. sol. quos etc., et pro transgressionem in misericordia.

* * * * *

Isabella Drury que tenuit iij. acras terre de bondagio cum uno mesuagio et uno hulmo obiit. Et venit Hugo

south and that of Thomas Curteys on the east, which contains in length 85 feet and in width at the south end 46 feet and at the north end 31 feet. And John Bulward and Mabel his wife came and have taken the said tenement to hold to them and their sequela according to the custom of the manor, and if the said John Bulward and Mabel his wife shall die without an heir issuing from their bodies the said tenement shall revert to the heirs of the said John Herd, on making fine with the lord for the time being, and the said John Herd and Emma his wife shall hold the said tenement for the whole of their life.

* * * * *

Littleport. Court there on Monday^a next after Port Latin Day in the seventeenth year of King Edward the Second.

* * * * *

It is found by inquest that Richard Maunteley and Matilda his wife committed a trespass against John of Gunton and Alice his wife by charging them with having sold oats and beer by false measure, to their damage taxed at 6 d., which etc. and be they in mercy (6 d.) for the trespass.

* * * * *

Court there on Thursday^b the Vigil of SS. Peter and Paul in the said year.

* * * * *

It is found by inquest that John Curteys and John Gardhaut have slandered the sedge of Hugh Beld in the fen, whereby the said Hugh has lost the sale of the said sedge to his damage taxed at 2 s., which etc., and for the trespass be they in mercy (6 d.).

* * * * *

Isabella Drury who held three acres of land of the [lord's] bondage with one messuage and one holme has

^a Monday, 14th May, 1324.

^b Thursday, 28th June, 1324.

Belde tanquam custos Thome Whitring infra etatem existentis et duas acras predicte terre cepit de domino ad opus dicti Thome tenendas (eidem Thome¹) et sequele sue secundum consuetudinem manerii, et dat domino pro ingressu. Et gersumma condonatur per senescallum.

* * * * *

Compertum est per totum homagium quod Hugo Belde tunc prepositus fecit quoddam tassum frumenti super tassum melior' ordeï in grangia domini per quod predictum tassum ordeï non potuit eicere humores et erat putrefactum et minus conveniens ad fundendum inde brasiam suam, quarteria in predicto tasso lx. et xj. quarteria ordeï, ad dampnum domini.

* * * * *

**Curiam ibidem die Lune proxima ante festum S. Petri
Advincula anno R. R. E. fil. R. E. xviii^o.**

* * * * *

Radulfus Bolay attachiatus fuit ad respondendum Thome Brokenhorn de placito quod reddat ei xiiij. s. ij. d. ob. (j. domus per annum) et xxiiij. s. pro calciatura sua et uxoris sue per xij. annos, videlicet quolibet anno ij. s. pro quadam convencionem inter eos facta (de quadam domo) quos ei injuste det' etc.

m^a vj. d.

Et idem Radulfus venit et cognoscit (se teneri predicto) Thome amicabiliter ex assensu dicti Thome pro omnibus arr' tam redditus quam calciature in xxiiij. s. ij. d. ob., et sic concordati sunt, et predictus Radulfus ponit se in misericordiam. Et postea venit dictus Radulfus et cognoscit se reddere de anno in annum ad totam vitam Agnetis quondam uxoris Willelmi Brokenhorn patris tam pro redditu quorundam² domorum quam pro calciatura supradicta. Et predictus Thomas venit in curiam et Alicia uxor dicti Thome et spontanea sua voluntate in curia coram senescallo

¹ Substituted for *sibi*.

² *Sic*.

died. And there came Hugh Belde as guardian of Thomas Whitring, who is within age, and took from the lord the two acres of the said land to the use of the said Thomas to hold to the said Thomas and his sequela according to the custom of the manor ; and he gives the lord for entry—the fine is forborne by the steward.

* * * * *

It is found by the whole homage that Hugh Belde whilst reeve made a stack of wheat on the top of the stack of best barley in the lord's barn, whereby the said stack of barley could not work off its humours and became rotten and less suitable for malting ; there were 71 quarters of barley in the said stack ; to the lord's damage.

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Court there on Monday^a next before S. Peter at Chains in the eighteenth year of King Edward the Second.

* * * * *

Ralph Bolay was attached to answer Thomas Brokenhorn of a plea that he do render him 13 s. 2½ d. [rent] of a house for a year and 24 s. for shoes for himself and his wife during twelve years, to wit, 2 s. for every year, by reason of a certain covenant made between them touching a certain house ; which moneys he unjustly detains from him etc.

And the said Ralph comes and confesses in a friendly way and with the assent of the said Thomas that he is bound to the said Thomas for all the arrears of the said rent and shoeing in 24 s. 2½ d. and on these terms they make concord, and the said Ralph puts himself in mercy (6 d.). Afterwards comes the said Ralph and confesses that he will pay year by year during the life of Agnes formerly the wife of William Brokenhorn the father [of Thomas] both the rent of certain houses and for the said shoeing. And the said Thomas comes into court and so does Alice his wife, and she of her own free will in court before the steward

^a Monday, 30th July, 1324.

vj. d.

examinata absque cohercione ex assensu mariti sui et per
licenciam domini remitt' et quietumclam' dicto Radulfo
totum jus quod habet in dicto mesuagio ut in dotem ad
totam vitam suam, et dat domino pro convencione irrotu-
landa vj. d. pl' Rob' Cartere, Joh' Typeto.

* * * * *

Robertus le Cartere queritur de Radulfo Bolay et Thoma
Thame capellano, Johanne Albyn et Henrico Mortimere et
Waltero Albyn de placito quare deforciant ei quandam
peciam prati (continentem j. rodam prout jacet) jacentem
ad capud terre sue quam adquisivit de Albino Anke. (Et
predicti Radulfus Bolay et alii veniunt et offerunt ei inde
legem suam. Et predictus Robertus concessit eis leg' etc.
Dies datus est eis ad perfic' leg' ad proximam curiam etc.)

m̄ia iiij. d.

Compertum est per inquisitionem quod Willelmus le
Foulere de Marchford' fecit transgressionem Waltero Albyn
et bona et catalla sua de assensu uxoris sue invito marito
de domo sua asportavit diversis vicibus uxorem suam
sepissime decalcando ad dampnum ipsius Walteri xij. s.
iiij. d. Ideo preceptum est attachiare omnia bona et catalla
sua ubicumque etc., et quod amoveatur de dicta villa, et
pro transgressionem in misericordia.

* * * * *

Littleport. Curia ibidem die Jovis in fest. S. Luce Evan-
geliste anno R. R. E. fil. R. E. xviii^o.

* * * * *

m̄ia ij. d.

Compertum est per inquisitionem quod Johannes Mont-
fort injuste det' Willelmo Abbot j. d. et pro detencione in
misericordia.

Compertum est eciam quod Johannes Fox junior tra-
didit Johanni Mounfort j^m lesch' debilior' quam ipse emit

after examination and without the coercion but with the assent of her husband and by the licence of the lord remises and quitclaims to the said Ralph all right that she hath in the said messuage for her life in respect of dower and gives the lord 6 d. for having the covenant enrolled ; pledges, Robert Carter, John Tepito.

* * * * *

Robert Carter complains of Ralph Bolay, and Thomas Thame the chaplain, John Albin and Henry Mortimer and Walter Albin in a plea wherefore they deforce him a piece of meadow, containing 1 rood as it lies, lying at the head of his land, which he acquired from Albin Anke. And the said Ralph Bolay and the others come and offer him their law as to this. And he conceded them their law etc. A day is given them to make their law at the next court etc.

It is found by an inquest that William Fowler of Marchford committed a trespass on Walter Albin and carried off his goods and chattels from his house on divers occasions against his will but with the consent of his wife, which consent he obtained by frequently kicking her, to the damage of the said Walter 13 s. 4 d. Therefore order is given to attach all his goods and chattels wheresoever [they be found] and that he be removed from the said vill, and be in mercy (4 d.) for the said trespass.

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Littleport. Court there on Thursday^a the feast of S. Luke in the eighteenth year of King Edward the Second.

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It is found by inquest that John Mounfort unjustly detains from William Abbot 1 d. ; be he in mercy (2 d.) for the detention.

It is also found that John Fox the younger delivered to John Mounfort 1,000 of sedge of worse quality than he

^a Thursday, 18th October, 1324.

m̄ia ij. d. de eo ad dampna xvij. d. quos etc. Et pro transgressionem in misericordia.

m̄ia iij. d. Compertum est per inquisitionem quod Willelmus le Huestere fregit convencionem Roberto le Cartere de j^m anguillarum quas emit de eo pro x. s. ad dampnum xij. d. Ideo consideratum est quod Robertus recuperet predictos x. s., et Willelmus in misericordia. Et predictus Robertus remittit dampna etc. Et predictus Willelmus solvit eidem xl. d. et preceptum est levare etc. dim. marc. etc.

* * * * *

Coron'
staur'

Hugo Belde et Henricus le Fishere jurati ad supervidendum staur' domini et emp' et vend' et morinam ejusdem cum acciderit presentand' ac eciam defectus waynagii de curia in curiam presentandos.

Custodes
marisci et
de wareнна
etc.

Johannes Maynimester, Johannes Lovering, Johannes Fox senior jurati ad supervidend' et presentand' de curia in curiam transgressores in marisco ut in fodiendo et falcando ac eciam transgressionem factas in wareнна de volucris et aliis bestiis wareнна etc.

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Littleport. Leta ibidem die Jovis in Vigilia S. Thome Apostoli anno R. R. E. fil. R. E. xviii°.

Inquis' liberorum. Radulfus Bolay¹ . . . jur', qui dicunt super sacramentum suum quod quarterium melioris frumenti valuit ultimo die mercati vij. s. et quarterium mediocris frumenti vj. s. et quarterium debilis frumenti v. s. iiij. d. Ideo fiat inde examinacio secundum precium mediocris frumenti etc. Unde examinacione facta coram dictis xij. jur' secundum precium mediocris etc. compertum est per examinacionem quod—

f. vj. d. Elisota Jordan deficiebat in pondere panis de ob. integr' frumenti v. s. ij. d. Habeat judicium etc. Postea finem fecit pro vj. d. per plegium Thome Tame.

¹ There are twelve names, few or none of which are the names of the ordinary jurors. The presentments,

however, are of the kind usually made at the leets.

bought of him, to his damage 18 d., which etc. ; and for the trespass be he in mercy (2 d.).

It is found by inquest that William Huckster broke a covenant with Robert Carter touching 1,000 eels which he bought of him for 10 s. to his damage 12 d. Therefore it is considered that Robert do recover the said 10 s. and William be in mercy (3 d.) ; and Robert remits the damages etc. And William paid him 40 d. and order is given to levy the 6 s. 8 d. etc.

* * * * *

Hugh Belde and Henry Fisher are sworn to survey the lord's stock and to present from court to court the sales and purchases and the [deaths by] murrain among the same when occasion for presentment shall arise, and also any deficiency in the wainage.

John Manimester, John Lovering, and John Fox the elder are sworn to survey and to present from court to court trespassers in the fen, for instance by mowing and digging, and also trespasses in the warren touching the birds and beasts of the warren etc.

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Littleport. Leet there on Thursday^a the Vigil of S. Thomas the Apostle in the eighteenth year of King Edward the Second.

Inquest of free men. Ralph Bolay [and eleven others] are sworn and say upon their oaths that a quarter of best wheat sold on the last market day for 7 s. and a quarter of middling wheat for 6 s. and a quarter of poor wheat for 5 s. 4 d. Therefore be there an examination [of the doings of the bakers] according to the price of middling wheat. And the examination being made before the said twelve jurors according to the price of middling wheat, it is found that—

Elisota Jordan made deficiency of 5s. 2 d. weight in the half-penny loaf of whole wheat. Let her have judgment etc. Afterwards she made fine with 6 d. on the pledge of Thomas Thame.

^a Thursday, 20th December, 1324.

Johannes le Hirde deficiebat de eodem pane viij. s. vj. d. Ideo subeat iudicium etc. Postea dictus Johannes fecit finem pro v. s. per plegium Johannis Beaucosin.

f. v. s.

* * * * *

Defectus
decennari-
orumxij. cap. pl.
xij. d.
xij. lib. ij. s.

De Alano Brabazon quia non venit (iij. d.) De Hugone Belde capitali plegio quia non habet predictum Alanum (iij. d.).¹ . . . De Hugone Belde ut Alanus Brabazoun amoveatur de decenna (ij. d.). De Johanne Typeto ut Willelmus Godescarte amoveatur (ij. d.). . . . De capitalibus decennariis pro conclamento Thome le Clerke, item pro conclamento Ricardi de Tyd et pro conclamento Johannis Crille. Compertum est quod Henricus filius Walteri etatis xvj. annorum est extra decennam et conclatur per capitales plegios et per xij. liberos juratores. Ideo omnes in misericordia.²

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Littleport. Curia ibidem die Veneris proxima post festum S. Mathie Apostoli anno R. R. E. fil. R. E. xviii^{mo}.

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Willelmus Hewen et Margar' uxor ejus attachiati fuerunt ad respondendum Roberto le Cartere de placito convencionis, et unde queritur quod cum tradidit predicte Margar' decem quarteria ordeï ad fundendum bras' ad opus suum quod quidem bras' invent' est minus sufficiens, ad dampnum dicti Roberti et contra convencionem etc.

m̄ia iij. d.

Et predicti Willelmus et Margar' dicunt quod nullam convencionem ei fregerunt sicut eis imponit, et hoc pet' quod inquiratur. Postea concordati sunt et predictus Willelmus ponit se in misericordiam, et idem Willelmus cognovit se teneri predicto Roberto in iij. bus. bras'.

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Inquisicio capta super gestis et factis Johannis Beaucosin Messoris ratione officii sui versus dominum et vicinos

¹ Many similar entries.

² This brings out the system of double presentment.

John Herd made deficiency of 8 s. 6 d. weight in the like loaf. Let him undergo judgment etc. Afterwards he made fine with 5 s. ; pledge, John Beucosin.

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Defaults of the tithingmen. From Alan Brabazon, for he has not come (3 d.). From Hugh Belde, chief pledge, for not producing the said Alan (3 d.). . . . From Hugh Belde (2 d.), that Alan Brabazon may be removed from his tithing. From John Tepito, that William Godescarte may be removed, 2 d. . . . From the chief pledges, for the concealment of Thomas the Clerk, also for the concealment of Richard Tyd, and the concealment of John Crille. It is found that Henry Walter's son is of the age of sixteen years and not in tithing, and [this] is concealed by the chief pledges and by the twelve free jurors. Therefore all in mercy. (Twelve chief pledges, 12 d. ; twelve free men, 2 s.)

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Littleport. Court there on Friday^a next after the feast of S. Matthias in the eighteenth year of King Edward the Second.

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William Hewen and Margery his wife were attached to answer Robert Carter of a plea of covenant, whereof he complains that whereas he delivered to the said Margery ten quarters of barley to be made into malt for his use, the said malt was found to be not sufficiently good, to his damage and against the covenant etc.

And the said William and Margery say that they have broken no covenant with him as he alleges against them, and crave that this be inquired. Afterwards they make concord and the said William puts himself in mercy (3 d.) and confesses that he is bound to the said Robert in 4 bushels of malt.

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An inquest taken as to the acts and behaviour of John Beucosin the hayward in discharge of his duty towards the

^a Friday, 1st March, 1325.

suos per sacramentum Hugonis Belde, Henrici le Fishere, Johannis Fox senioris, Johannis Fox junioris, Johannis le Fishere, Willelmi Hewen, Johannis Manimester, Michaelis Kygel, Johannis le Hirde, Thome Brokenhorn, Johannis Typeto, et Johannis Albyn. Qui dicunt super sacramentum suum quod dictus Johannes non gerit se versus dominum suum sicut facere debet nec custodit campos et prata domini sicut facere debet. Item dicunt quod dictus Johannes facit attach' super defendentes in placitis ad instanciam conquerencium neque capit de eis vad' neque pleg' de proseguendo querelas suas in decepcionem et fraudem curie domini. Item dicunt quod dictus Johannes cepit de Willelmo Abbot nativo domini duos sol. dicendo ipsum esse electum in obsequium Dom. Regis versus partes Scochie et quod salvaret eum ne iret versus dictas partes pro denariis predictis, ubi dictus Willelmus nunquam erat electus etc. Item dicunt quod dictus Johannes retinet penes se forisfacturas et attachiamenta facta pro execucione curie domini et eis utitur et vastat et expendit in dampnum et prejudicium domini et vicinorum, et sic fecit de quodam patello eneo capto nomine attachiamenti de Willelmo atte Whippe. Item dicunt quod dictus Johannes equitat et conculcat equos domini equitando versus Ely et alibi ubi inhibitum est quod nullus hoc faciat sine licencia senescalli et hoc pro proficuo domini. Ideo corpus dicti Johannis attachietur per seneschallum et amovetur ab officio messoris. Postea totum homagium manucepit (pro eodem Johanne) quod dictus Johannes satisfaciet domino pro transgressionibus predictis ad voluntatem domini vel quandocunque de hoc per seneschallum fuerit allocutus etc.

Totum homagium elegit Johannem Albyn in mensem loco Johannis Beaucosin. Et fecit sacramentum etc.

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lord and his neighbours by the oath of Hugh Beld, Henry Fisher, John Fox the elder, John Fox the younger, John Fisher, William Hewen, John Manimester, Michael Kiggel, John Herd, Thomas Brokenhorn, John Tepito, and John Albin, who say upon their oath that the said John does not behave himself towards his lord as he ought to do, nor guard the fields and meadows of the lord as he ought to do. Likewise they say that the said John makes attachments upon the defendants in pleas at the instance of the plaintiffs without taking from the latter gages or pledges to prosecute their complaints, to the deception and in fraud of the lord's court. Likewise they say that the said John took from William Abbot, the born bondman of the lord, two shillings, by saying that he was elected to serve the king in the parts of Scotland and that for the said sum he [John] would protect him [William] against having to go to the parts aforesaid, whereas the said William was never so elected etc. Likewise they say that the said John keeps to himself the forfeitures and amercements arising from the executions done by order of the lord's court, and makes use of and wastes and expends them to the damage and prejudice of the lord and the neighbours; and thus did he concerning a brazen dish taken by way of attachment from William at Whippe. Likewise they say that he rides and hacks the lord's horses, riding to Ely and elsewhere, whereas it is enjoined that no one do this without the leave of the steward and to the profit of the lord. Therefore be the body of the said John attached by the steward and he is removed from the office of hayward. Afterwards the whole homage became manucaptors for the said John that he will satisfy the lord for the said trespasses at the will of the lord or whensoever he shall be required to answer for this by the steward etc.

The whole homage has chosen John Albin to be hayward in lieu of John Beucosin. And he has taken the oath etc.

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Littleport. Curia ibidem die Veneris proxima post Clausum Pasche anno supradicto.

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Cum ex consuetudine ville unusquisque falcans in comuni marisco ad vendendum a festo S. Michaelis usque Hokeday totum quod falcatur debet esse forisfactum domino et forisfactura millene apprecietur ad ij. s. viij. d. ex antiquo consuetudine super qua cons' Johannes Beaucosyn et Johannes Fox falcaverunt et falcari fecerunt j.^m ideo for' *de ij. s. viij. d.* domino. Et Willelmus Akerman falc' v.^c ante dictum diem de Hokeday, ideo for' de xvj. d. domino.

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Ricardus de Mauntele sursum reddit in manum domini unum cotagium long' xj. ped', et lat' xxiiij. ped' ad opus Galfridi Whitring et Mabillie uxoris sue et Johannis filii eorundem, ita quod unusquisque (dictorum Galfridi et Mabillie¹) teneat ad terminum vite sue et quod Johannes filius eorum successive teneat dictum cotagium sibi et sequele sue et per servicium etc., qui veniunt et dictum cotagium ceperunt de domino tenendum secundum consuetudinem manerii, et dant domino pro ingressu, plegii de fine Robertus Cartere et Johannes Albyn.

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Robertus le Cartere et Johannes Typeto faciunt finem pro tota villata pro licencia habendi viam cum caretis suis super terram domini juxta cunicularium. Et dominus quietus est de transitu suo in omnibus. Per plegium predictorum Roberti et Johannis.

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Littleport. Curia ibidem die Jovis proxima post festum Nativitatis S. Johannis Baptiste anno R. R. E. xviii^o.

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Inquisicio capta per sacramentum Johannis Typeto, Radulfi Bolay, Henrici le Fishere, Johannis le Fishere,

¹ Interlined.

Littleport. Court there on Friday ^a next after the Close of Easter in the said year.

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Whereas by the custom of the vill every one who mows in the common fen for the purpose of sale between Michaelmas and Hokeday shall forfeit all that he mows to the lord, and the forfeiture of a thousand [of sedge] is by ancient custom appraised at 2 s. 8 d., and against this custom John Beucosin and John Fox have mowed and caused to be mown a thousand; therefore they shall forfeit 2 s. 8 d. to the lord. And William Akerman has mowed five hundred before the said day, namely, Hokeday; therefore he forfeits 1 s. 4 d. to the lord.

* * * * *

Richard of Maunteley surrenders into the lord's hand a cottage 11 feet long by 24 feet wide to the use of Geoffrey Whitring and Mabel his wife and John their son, so that each of them, Geoffrey and Mabel, shall hold for the term of his or her life and that John in succession shall hold the said cottage to him and his sequela, by the service etc. And they have come and taken the said cottage of the lord to hold according to the custom of the manor, and give to the lord (2 s. 6 d.) for entry; pledges for the fine, Robert Carter and John Albin.

* * * * *

Robert Carter and John Tepito make fine for the whole township for licence to have a way for their carts over the lord's land by the coney warren. And this is satisfaction to the lord in all respects for their passing over the land; on the pledge of the said Robert and John.

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Littleport. Court holden there on Thursday ^b next after the Nativity of S. John Baptist in the eighteenth year of King Edward.

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An inquest taken on the oaths of John Tepito, Ralph Bolay, Henry Fisher, John Fisher, Hugh Belde, John Fox

^a Friday, 19th April, 1325.

^b Thursday, 27th June, 1325.

Hugonis Belde, Johannis Fox senioris, Huberti Est, Ade Swetgrom, Henrici Swetgrom, Johannis Manimester, Henrici Mortimere, et Johannis Beaucosin super homagium ville de Litleport, videlicet, quem statum clamant in communia pertinente ad tenementa sua etc. Qui dicunt super sacramentum suum quod neque liberi homines neque nativi dicte ville possunt vendere neque cariare turbas vel roscum extra mariscum ville predictæ nisi ad voluntatem domini. Item dicunt quod ex consuetudine et gracia domini speciali plenas terras tenentes et dimidias terras tenentes et tenentes sex acras terre et cotarii unusquisque eorum habebit in marisco vj.^m lesch' per annum. Item dicunt quod secundum antiquam consuetudinem ville predictæ nullus dabit pro fodiatione mil' turb' nisi iiij. d. et pro siccitate j. d. ob. et pro cumulatione j. d. ob. Item dicunt quod extranei supervenientes et in villa morantes nichil habebunt nec percipient in marisco nisi ex gracia domini, et hoc propter operationem suam in blad' et pratis domini tempore autumpnali.

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Litleport. Curia ibidem die Lune proxima post festum S. Mathei Apostoli anno R. R. E. fil. R. E. decimo nono incipiente.

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Custodes del Bylawe¹ presentant quod Johannes le Hyrde (ij. d.) non messuit bladum domini tempestive post opera sibi imposita. Ideo in misericordia per plegium Roberti Scot. Et quod Johannes Lovering (ij. d.) fecit similiter . . . et quod Henricus le Fishere (ij. d.) fecit dampnum cum j. porco, et quod Johannes Cristemasse (iiij. d.) fecit similiter cum ij. porcis . . . et quod Johannes Mounfort (ij. d.) junior collegit fabas vicinorum . . . et quod Johannes Boystons (iiij. d.) fecit similiter . . .

Nomina custodum de Bylawe, Johannes Tepito, Johannes Fox junior, Radulfus Bolay, Johannes Fox senior,

¹ The custodians of the bylaw seem to be the persons appointed at the last court but one to present offences committed in the fen.

the elder, Hubert East, Adam Sweetgroom, Henry Sweetgroom, John Manimester, Henry Mortimer, and John Beucosin regarding the homage of the vill of Littleport, to wit, what estate they claim in the common pasture for their tenements etc. And they say upon their oath that neither the freemen nor the bondmen of the said vill can sell or carry turf or rushes out of the fen of the said vill save at the will of the lord. Also they say that by custom and by the special favour of the lord each of the holders of full-lands, half-lands, six-acre tenements and cottage tenements shall have in the fen 6,000 of sedge in the year. Also they say that according to the ancient custom of the said vill none shall pay more than 4 d. for digging 1,000 of turfs and for drying it 1½ d. and 1½ d. for piling it up. Also they say that strangers coming into the vill and residing there shall not have or take anything in the fen save by favour of the lord and in consideration of work done by them in the lord's crops and meadows in autumn.

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Littleport. Court there on Monday^a next after the feast of S. Matthew in the beginning of the nineteenth year of King Edward the Second.

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The keepers of the bylaw present that John the Herd did not reap the lord's corn promptly on being set to the work; therefore in mercy (3 d.) ; pledge, Robert Scot; and that John Lovering did likewise (2 d.) . . . and that Henry Fisher (2 d.) did damage with one pig and John Christmas (4 d.) did likewise with two pigs . . . and that John Mounfort the younger (2 d.) gathered beans belonging to his neighbours . . . and that John Boystons (3 d.) did the like. . . .

Names of the keepers of the bylaw:—John Tepito, John Fox the younger, Ralph Bolay, John Fox the elder,

^a Monday, 23rd Sept. 1325.

Johannes Beaucosyn, Adam Swetegrom presentant supra-scripta.

* * * * *

Calumpnia. Rogerus Kyng de Well' et Adam Bateman de eadem venerunt hic in curia et calumpniaverunt duas partes unius batelli inventi in possessione Willelmi de Tid et attachiati per constabularios pro suspicione latrocinii quousque aliquis fecerit calumpniam. Qui quidem Rogerus et Adam jurati et examinati super proprietate dicti batelli dicunt super sacramentum suum quod predictum batellum die attachiamenti per dictos constabularios facti fuit proprium catallum Rogeri, Ade, et cujusdam Rogeri Bol de Well' in communi et pro indiviso. Et quia talis calumpnia non est acceptanda per legem in absencia illius cui in toto vel in parte pertinet proprietas, dictum est prefatis Rogero et Ade quod ipsi simul cum Rogero Bol veniant parati ad proximam curiam ad probandum dictum batellum etc. Et ut medio tempore possint de dicto batello habere proficuum invenerunt securitatem per plegium ¹ ad habendum et reducendum dictum batellum et illud preposito manerii liberandum si quis infra annum et diem ab isto die posuerit clamium. Et pro dicta *licencia dant domino xij. d.*

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xij. d.

Littleport. Curia et Leta ibidem die Mercurii post festum S. Nicholai anno R. R. E. fil. R. E. decimo nono.

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mīa iij. d. Compertum est per inquisitionem quod Radulfus de Bolay non warrantizavit quamdam piscariam Henrico le Shepherd ad dampnum taxatum ad ij. s. quos curia considerat quod recuperet.

Compertum est per inquisitionem quod Willelmus Ilger non cariavit d. lesch' per convencionem inter ipsum et Henricum le Brewestere ad dampnum taxatum ad ij. sol.,² quos curia considerat quod recuperet, et pro transgressione in misericordia per pleg'³

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¹ A space is left for the names of the sureties.

² *ij. sol.* repeated.

³ No names of sureties.

John Beucosin, Adam Sweetgroom present the things above written.

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Roger King of Wells and Adam Bateman of the same place came here into court and claimed two [third] parts of a boat found in the possession of William of Tyd and attached by the constables for suspicion of larceny until some one should claim it. And Roger and Adam, being sworn and examined as to the property in the said boat, say upon their oath that the said boat on the day when it was attached by the said constables was the proper chattel of Roger, Adam, and one Roger Bole of Wells in common and in undivided shares. And for that such a claim cannot be received by law in the absence of one to whom the property belongs in whole or in part, the said Roger and Adam are told to come along with Roger Bole to the next court prepared to prove the said boat [to be theirs]. And that in the meantime they may make profit of the said boat they found security on the pledge of _____ to return and produce the said boat and deliver it to the reeve of the manor in case any within year and day from this day shall put in a claim. And for this licence they give the lord 12 d.

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Littleport. Court and Leet there on Wednesday^a after the feast of S. Nicholas in the nineteenth year of King Edward the Second.

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It is found by inquest that Ralph Bolay has not warranted a certain fishery to Henry Shepherd to his damage taxed at 2 d., which the court considers that he do recover. (Amercement 3 d.)

It is found by inquest that William Ilger has not carried 500 of sedge according to the covenant between him and Henry Brewster to his [Henry's] damage taxed at 2s., which the court considers that he do recover; and be [William] in mercy (3 d.) for the trespass; pledges

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^a Wednesday, 11 Dec. 1325.

Capitales plegii¹ . . . presentant quod omnes pistores et braciatrices infrascripti fregerunt assisam. Quesiti de valore frumenti ultimo die mercati, dicunt super sacramentum suum quod quarterium melioris frumenti valuit ultimo die mercati v. s. et quarterium mediocris frumenti iiij. s. viij. d. et quarterium simplicioris frumenti iiij. s. vj. d. et quia ij. d. neque dant neque minuunt assisam panis, fiat examinatio panis secundum precium. Unde compertum est per examinacionem secundum presentacionem juratorum quod panis integr' de ob. Margarete Druri deficiebat de recto pondere j. marc. pro quo defectu fecit finem per plegium Roberti le Cartere. Panis integr' de ob. Salomonis Ilger deficiebat de recto pondere x. s. pro quo defectu fecit finem per plegium Roberti le Cartere et Johannis Ilger. Panis integr' de ob. Agnetis filie Michaelis Kiggel deficiebat de recto pondere xx. d., et quia defectus in pondere non excedit xxx. d. ideo amercietur . . .

fin. xvij. d.

fin. ij. s.

mīa vj. d.

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Capita[les plegii pre²]sentant quod cum ex consuetudine ville unusquisque tenens plenam terram vel libere tenens quantitatem ejusdem plene terre debet falcare in marisco pro sua sustentacione ad quantitatem sex mille de lesch' ita quod neque liberi neque nativi possunt nec debent inde dare seu vendere sine licencia domini optenta vel fine domino faciendo, et si quis liber ville seu nativus ultra certum numerum statutum falcaverit, dabit pro mille domino et hominibus ville pro opere ecclesie ut dicunt ex consuetudine xxxij. d. pro equali porcione. Et quia liberi nec nativi aliquid factum speciale habent de domino nec per recordum ostendunt quod illa consuetudo quam ostendunt eis allocari debet, ideo tota lesch' ultra certum numerum prestatutum falcata et inferius presentata remaneat penitus domino forisfacta quousque etc. Unde idem capitales plegii presentant quod Henricus Swetegrom

¹ Twelve names follow, being those of the ordinary jurors.

² The roll is torn.

The chief pledges [twelve men named] present that all the bakers and alewives named below have broken the assize. Asked concerning the value of wheat on the last market day, they say upon their oath that the quarter of good wheat sold for 5 s., of middling wheat for 4 s. 8 d., of poor wheat for 4 s. 6 d., and for that a difference of 2 d. in the price of wheat will make no difference in the weight of bread according to the assize, let examination be made according to the price [last mentioned]. And it appears on examination according to the presentment of the jurors that the whole wheat halfpenny loaf of Margaret Drury was one mark short of the right weight; she made fine (18 d.) for the deficiency; pledge, Robert Carter. The whole wheat halfpenny loaf of Solomon Ilger was 10 s. short of right weight; he made fine (2 s.) for the deficiency; pledges, Robert Carter and John Ilger. The whole wheat halfpenny loaf of Agnes daughter of Michael Kiggel was 20 d. short of right weight and since the deficiency does not exceed 30 d., let her be [not fined but] amerced (6 d.). . . .

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The chief pledges present that, whereas by the custom of the vill every tenant of a full-land and every freeholder holding as much as a full-land may mow in the fen for his sustenance to the amount of 6,000 of sedge, but so nevertheless that neither free nor bond can nor ought to give or sell of this without first obtaining the lord's leave or making fine to the lord, and if any free or bond man of the vill shall mow beyond this fixed and established number he shall give for each thousand 32 d. to the lord and to the men of the vill for the repair of the church, so they say, in equal portions [i.e. one such portion to the lord, one to the men]. And for that neither free nor bond have any specialty from the lord, nor show any record by reason whereof the custom which they allege ought to be allowed them, therefore all the sedge which has been mown beyond the fixed and established quantity and which [superfluous amount] is presented below, shall remain to the lord as forfeited until etc. And in this respect the chief pledges present that Henry

falcavit et scindidit iiij. millia de lesch' ultra certum numerum prestatutum, ideo precium dicte lesch' videlicet viij. s. remaneat domino forisfacta.¹

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Littleport. Curia ibidem die Jovis proxima post festum S. Bartholomei Apostoli anno R. R. E. fil. R. E. vicesimo incipiente.

* * * * *

Custodes bileg' vj. d. iiij. d. ij. d. vj. d.	<p>Hugo Belde, Johannes Beaucosyn, Johannes Fox junior, Henricus Piscator custodes bileg' presentant quod Radulfus Bolay fecit defaultam in messione dim. acre ordeï ad dampnum. Ideo ipse in misericordia. Et quod Johannes Fox junior non ligavit tempestive j. rodam ordeï. . . . Et quod Mabilia Beucosyn absentavit se in autumpno et noluit metere bladum domini nec vicinorum pro stipendio suo set <i>devillavit</i> contra ordinacionem bilegis. . . . Et quod Amicia Hubert fecit leyrwite cum quodam extraneo . . .</p>
--	--

* * * * *

Littleport. Curia ibidem die Lune in crastino S. Andree Apostoli anno R. R. E. fil. R. E. vicesimo.

* * * * *

Undersetles	<p>[Jur' presentant²] quod extranei adventicii qui mansiones suas conducant de variis et nichil tenent de domino communicant in marisco cum bestiis suis et alia proficua capiunt in communia, et illi vocantur Undersetles. Quesiti quo waranto utuntur illa communia, dicunt quod quilibet undersetle metet dim. acram bladi in autumpno et ligabit et siccabit sine cibo sicut quilibet Anelepyman et Anelepywymman, et hoc per terrarium. Et quia nichil aliud ostendunt quare illi undersetles debent cum averiis suis communicare nisi quod predictum servicium faciunt domino,</p>
-------------	--

¹ Many other similar presentments are made, with a like result.

² The usual leet jurors.

Sweetgroom has mown and cut 3,000 of sedge beyond the appointed quantity; therefore the price of the said sedge, to wit, 8 s. shall remain to the lord as forfeited.

* * * * *

Littleport. Court there on Thursday^a next after the feast of S. Bartholomew at the beginning of the twentieth year of King Edward the Second.

* * * * *

Hugh Belde, John Beucosin, John Fox the younger, Henry Fisher keepers of the bylaw present that Ralph Bolay has made default in reaping half an acre of barley, to [the lord's] damage; therefore be he in mercy (6 d.). And that John Fox the younger (3 d.) was behindhand in binding a rood of barley. . . . And that Mabel Beucosin (2 d.) absented herself from the harvest and would not reap the corn of her lord and her neighbours for her wages, but quitted the vill, against the ordinance of the bylaw. . . . And that Amice Hubert (6 d.) incurred a leyrwite with a certain stranger. . . .

* * * * *

Littleport. Court there on Monday^b the morrow of S. Andrew in the twentieth year of King Edward the Second.

* * * * *

[The jurors present] that strangers coming from without, who hire houses from divers persons and hold nothing of the lord, common in the fen with their beasts and take other profits in the common, and such folk are called 'Under-settles.' Being asked by what warrant they use such common, they [the jurors] say that every undersettle shall mow half an acre of corn in the autumn and bind and dry it without [receiving] food [from the lord], like every 'anelepyman' and 'anelepywymman,' and this is so in the terrier. And for that they show nothing why these undersettles should common with their beasts save the fact that they do this service to the lord, nor is this right of common

^a Thursday, 28th Aug. 1326.

^b Monday, 1st Dec. 1326.

et nec in terrario *specificatur* illud jus communicandi,
dictum est eisdem quod presentant¹ nomina illorum under-
setles qui cum averiis suis communicant et que et quot
averia *quilibet* habet ut possunt agistari ad proficuum
domini quousque inde fuerit provisum per consilium etc.
Qui presentant quod Reginaldus Whytryng habet j. boviculum
in communa² . . .

* * * * *

**Litleport. Curia ibidem die Mercurii proxima post festum
S. Laurencii anno R. E. tercii post conquestum primo.**

* * * * *

xl. d.
pro queren-
dis rotulis
curie³

Robertus le Cartere, Johannes Tepeto, Johannes le
Hynde, Walterus Albyn, Galfridus Whytryng, Thomas
Curteys et Mabilia que fuit uxor . . . le Cartere et
Willelmus Akerman tenentes terrarum et tenementorum
que fuerunt Henrici Whytryng dant domino xl. d. pro
quadam inquisicione ex officio capienda si vidue debent
dotari de terris et tenementis venditis et alienatis per viros
suos dum vixerint que quidem terre et tenementa sunt de
hereditate seu de perquisito ipsorum virorum, licet mulieres
ille in vita ipsorum virorum suorum ad vendicionem non
consenserint. Unde capta est inde inquisicio per xxiiij.
homines de bondagio qui nullas terras nec tenementa
tenent qui fuerunt Henrici Whytryng et unde iudicium
. . .⁴ pendet indiscuss'.

* * * * *

¹ *Sic.*

² Two other persons are in like case.

³ These words are very faint and uncertain.

⁴ Three illegible words. I think

that they may have been *super illam consuetudinem*. In the margin also there is an illegible remark. It seems to have recorded a payment *pro querendis rotulis curie*.

specified in the terrier, they [the jurors] are bidden to present the names of the undersettles who thus common with their beasts, and how many beasts and of what kind each of them has, in order that they may be agisted to the profit of the lord, until [other] provision be made by the council of [the lord bishop]. And they present that Reginald Whitring (5 d.) has one bullock in the common . . .

* * * * *

Littleport. Court there on Wednesday ^a next after the feast of S. Laurence in the first year of King Edward the Third.

* * * * *

Robert Carter, John Tepito, John Herd, Walter Albin, Geoffrey Whitring, Thomas Curteys and Mabel who was the wife of . . . Carter and William Akerman, tenants of the lands and tenements formerly of Henry Whitring give the lord 40 d. for an inquest of office as to whether widows ought to be endowed of lands and tenements alienated or sold by their husbands in their lifetime, such lands and tenements being of the inheritance or the purchase of their said husbands, in case the said women did not in their husband's lifetime consent to the said sale. And of this an inquest is taken of twenty-four men of the bondage, none of whom holds any part of the lands or tenements which belonged to Henry Whitring. Judgment [as to this custom] is suspended [while search is made in the court rolls].

* * * * *

^a Wednesday, 12th Aug. 1327.

LIST OF WORDS

WHICH ARE DUBIOUS, CORRUPT, OR OTHERWISE
REMARKABLE.¹



- | | |
|--|--|
| <p>anelepyman, anelepywyman, pp. 112, 146, Eng. <i>a man or woman who is sole, who is unmarried; one who is not a householder.</i></p> <p>bersil, berkyl, p. 23, Fr. <i>yeast.</i></p> <p>botus, p. 126, Lat. <i>a bittern.</i></p> <p>curroure, p. 96, Fr. <i>a vagabond.</i></p> <p>daunmestre, p. 62, Fr.; probably corrupt, and unexplained.</p> <p>desavolupeer, p. 91, Fr. <i>to excuse oneself, to free oneself from a charge.</i></p> <p>devillare, p. 146, Lat. <i>to leave the vill.</i></p> <p>ditee, p. 95, Fr.; probably corrupt; possibly the name of some beast of the chase.</p> <p>fosse, p. 95, Fr. for <i>fesse, a sheaf.</i>
Du Cange, s.v. <i>fascia, fessa, fessel</i>, etc.</p> <p>furent, p. 95, Fr. for <i>furet, a ferret.</i></p> | <p>galesche, galoche, p. 35, Fr. <i>an arrow of a certain kind.</i></p> <p>heche, p. 95, Fr. <i>a salmon heck.</i></p> <p>malfe, maufe, p. 64, Fr. <i>the devil.</i></p> <p>puner, p. 103, Fr. <i>an instrument of correction known as a pining-stool.</i></p> <p>reforayne, p. 95, Fr. <i>owe reforayne</i>, a wild-goose or water-goose.</p> <p>roket, p. 115, <i>a bodice.</i></p> <p>rother, p. 115, unexplained.</p> <p>taverner, p. 102, Fr. <i>to let, to demise.</i></p> <p>treytorie, p. 94, Fr. <i>katil pur treytorie</i>, wearing apparel.</p> <p>undersettle, p. 146, Eng. <i>an under tenant.</i></p> <p>wapie, p. 25, Fr. <i>cerveyse wapie, flat beer.</i></p> |
|--|--|

¹ This is rather a list of guesses and unsolved difficulties than a glossary.

INDEX OF MATTERS.

- | | |
|--|---|
| <p> Abjuration of realm, 74
 Abjuration of vill, 98
 Accessory, 67
 Admittance, 112, 122, 130, 136, 142
 Affeerers, 101, 106
 Aid of lord, 127
 Ale, <i>see</i> Beer
 Aletaster, 25
 Amendment, 70
 Amercement, 22, 42, 54, 101, 106, 110
 ‘Anelipiman,’ 112, 146
 Annuity, 82
 Appeal, 65, 66, 85
 Articles, Manorial, 102
 Articles of Frankpledge, 71, 87, 93
 Assault, 27, 28, 29, 30, 51
 Assize of beer, 25, 50, 73, 80
 Assize of bread, 23, 50, 58, 73, 80, 139, 145
 Assize of strangers, 94, 99
 Attachment, 79
 Attorney, 80

 Bailiff, 20, 23, 25 etc., 30, 49, 58, 61, 70, 77, 79
 Banishment from vill, 122, 123, 124
 Bargain. Tort by disturbing, 40, 56
 Battery, 27, 28, 29, 30
 Battle, 77
 Beadle, 93
 Beasts impounded, 57, 60
 Beasts, trespass by, 42, 57, 58, 60
 Beer, <i>see</i> Assize of beer
 Beer, bad, 25
 Beer, duty of selling to lord, 31, 52
 Bcheading, 99 </p> | <p> Bench, justices of, 68, 69
 Besant of gold, 32, 57
 Borough, 80
 Boundaries, disturbance of, 45, 86
 Bread, <i>see</i> Assize of bread
 Bylaw, 23, 61, 125, 128, 129
 Bylaw, keepers of, 143

 Carpenter, Robert, 7
 Challenge, 63
 Champion, 77
 Charter, royal, 35
 Cherwell, 73
 Chief pledge, 77, 110
 Church, repair of, 145
 Circuit of steward, 69, 70
 Clergy, benefit of, 91
 Command, responsibility for offence committed by one’s, 38, 39
 Common pasture, 41
 Common rights, 112, 125, 145, 146
 Compromise, 21, 22, 57, 61, 75, 79
 Concealment, 30
 Confession, 22, 50, 53
 Confession and avoidance, 21, 45, 46, 91
 Confession extorted, 63
 Consideration, 47
 Contempt, 127
 Contenement, 101
 Contract, 40, 115, 124, 125, 132, 137, 144
 Conveyancing precedents, 7, 12, 14
 Copyhold, 112, 121, 134, 147
 Coroner, 90
 Corrupt victuals, 26, 50, 51
 County court, 68, 69, 80, 85 </p> |
|--|---|

- Court, usage of the, 42
 Court, words of, 86
 Courts, classification of, 86, 87
 Covenant, 115, 124, 125, 133, 137, 144
 Criminal cases, 62, 64, 65, 66, 73, 74, 85, 86, 99
 Crown, pleas of, 62, 64, 65, 66
 Crusade, 82
 Curtesy, 134
 Custom, 33, 68, 134, 142, 145, 147
 Custom, unreasonable, 144, 146

 Damage, 20, 22 etc., 41
 Death, punishment of, 64, 74, 90
 Debt, 47, 84, 126, 129, 131
 Defamation, *see* Slander
 Default of right, 69
 Defence, 21, 41, 44, 48, 75, 76
 Detinue, 47, 135
 Devil, enticement of, 63
 Distress, 59, 60
 Dower, 147

 Ecclesiastical jurisdiction, 102
 Employer's liability, 55
 Entail, 136
 Entry, writ of, 119
 Escape, 74
 Essoin, 49, 50, 58, 74, 80, 81, 96, 101
 Ex officio proceedings by steward, 49

 Father's liability, 36, 37, 53
 Fealty, 104
 Felony, 27, 28, 33, 65, 66, 85
 Fish, offence of selling putrid, 26, 50, 51
 Fish, offence of taking from pond, 37, 54, 75
 Fishery, several, 133
 Fishing, rights of, 73
 Foreign court, offence of suing in, 120, 126, 131
 Forester, 43, 44
 Forfeiture of land, 100
 Forfeiture, the king's, 35, 52
 Fornication, 102

 Franchise, 23, 35, 52, 69
 Frankpledge, 68, 72, 76, 80, 97, 101, 140
 Frankpledge, view of, 68, 71, 87, 93
 Fraud, 33, 40
 Free suitors, 97, 100
 Freebench, 147
 Fruit, stealing, 36, 53

 Gage and pledge, 17, 32
 Gage of movables and immovables, 32, 33
 Garden, trespass in, 36
 Gleaning, 128
 Glove given as gage, 17
 Grass, offence of mowing, 39
 Guardian, 138

 Hamsoken, 129
 Handhaving thief, 65, 74, 99
 Hand-mill, 123
 Hayward, 41, 42, 76, 103, 128
 Heirs of body, 136
 Heriot, 104
 Herring, 26
 Highway, repair of, 130, 131, 132
 Homage, 78
 Honour, 70
 Honourial court, 110, 119
 Housebote, 102
 Hue and cry, 20, 49, 50, 73, 98
 Hundred, court of, 68, 70, 80
 Husband and wife, 126, 138, 147

 Ill fame, 64
 Imprisonment, 62, 65, 99
 Infangthief, 73, 74, 99
 Infant, offences by, 36, 53
 Infant tenant, 137

 Judgement, engagement to obey, 32, 33
 Judgement found by suitors, 48
 Jury of presentment, 83, 93, 110
 Jury of trial, 24, 32, 38, 51, 64, 66, 134
 Jury of twenty-four, 147

- Jury of vill, 24, 32, 38
 Jury, purchase of right to have, 32, 38, 44
 Jury, refusal to be tried by, 63, 64

 Labour services, 135
 Land, customary, inheritance of, 108, 119, 136, 137
 Land, customary, proceedings relating to, 102, 104, 112, 119, 120, 121, 127, 130, 134, 136, 142, 147
 Land, freehold, proceedings relating to, 77, 103
 Larceny, 62, 64, 65, 74
 Law merchant, 12
 Law, wager of, 16, 21, 26, 27 etc., 35, 50, 57, 74, 76, 83, 123, 132
 Lawlessman, 27, 28, 29, 48
 Leet, 110, 123, 133, 139
 Leper, 111, 134
 Longueville, John of, 14
 Love-day, 20, 47, 57, 74

 Mainpast, 37, 53, 55, 127
 Mayhem, 85, 86
 Measures, 94
 Merchet, 102, 110
 Mill, lord's, 33, 52, 123
 Montpellier, pilgrimage to, 82
 Money, coining, 99
 Multure, 33, 52
 Murrain, 139
 Mute, standing, 65

 Negligence, 52, 53
 Neighbourly duties, 146

 Oath, forms of, 76, 93, 101, 104
 Odium et atia, 90
 Officers, manorial, misconduct of, 30, 103, 105, 141
 Outlawry, 86
 Oxford, John of, 11, 13
 Oxford, law studies at, 12

 Park, 34, 52
 Parker, 34, 103

 Parol agreement, 116
 Peace of God, 20, 27 etc., 75
 Peace of king, 62, 75
 Peace of lord, 20, 23 etc., 83
 Peace of sheriff, 83
 Peace of steward, 20, 23 etc.
 Pig, shooting a, 46, 56
 Pinfold, 57
 Plea, special, 21, 23, 44, 91
 Pleader, 38, 42
 Pleadings, principles of, 21, 23, 41, 42, 48, 84, 91
 Pledge, sale of, 125
 Poaching, 34, 52
 Pone, 69
 Pound, 57, 60
 Precept for holding court, 70
 Pre-emption, lord's right of, 31, 52
 Prescription for profit a prendre, 44
 Presentment, procedure by double, 97, 139
 Principle and accessory, 67
 Prohibition issued by lord, 38, 39, 43, 55, 58
 Purpresture, 98

 Rate, highway, 130, 131
 Receipt of criminal, 66, 67
 Reeve, 103, 105, 141
 Reeve, duty of serving as, 104, 128, 141
 Release, 22
 Rescue, 96
 Remainder, 130
 Reversion, 122
 Rolls of court, 49, 58, 69, 121, 134, 147

 Sale of chattels, 40, 128, 132, 138
 Seisin of a profit, 44, 45
 Seisin of stolen goods, 65, 74
 Sentence of death, 64
 Sequela, 112, 122, 136, 137, 142
 Serjeant, 46
 Set-off, 133
 Shame and damage, 20, 23 etc., 32, 40, 75
 Sheriff, 68, 90

- Slander, 27, 28, 30, 40, 48, 57, 61, 116, 125, 127, 133, 136
 Soldiers impressed, 141
 Specialty, 47, 145
 Specific performance, 115
 Spy, 27
 Steward, 20, 22, 33, 42, 48, 49, 58, 62, 68, 79, 93, 141
 Steward, letters appointing, 71
 Sticks, right to cut, 44
 Strangers, 94
 Stubble, offence of reaping lord's, 38
 Suit of court, 72
 Suit, denial against, 41, 42, 48, 75, 84
 Suit, production of, 20, 23 etc., 41, 42, 48, 75, 84
 Suitors as judges, 48
 Supplanting a man in his bargain, 40, 56
 Surrender, 122, 130, 134, 136, 142
 Suspicious characters, 94
 Swineherd, 46
 Threats, 27, 28
 Timber, right to cut, 43, 56, 102
 Time, specification of in pleading, 84
 Tithing, 69, 72, 97, 140
 Tithingman, 80, 99, 140
 Title of court, 71, 80
 Toll, subtraction of, 33, 40
 Township, damaged, 23, 26
 Township receives proceeds of justice, 145
 Township, jury of, 24
 Township, offences by, 120
 Treasure trove, 95
 Trespass, 27, 28, 29, 30, 31, 36, 38, 74, 75, 97
 Tumbrel, 100
 'Undersettle,' 112, 146
 Unreason, tort and, 25, 28 etc.
 Usury, 87, 95
 View of land, 62
 View of wound, 86
 Vill, *see* Township
 Villain status, 102, 110
 Villain tenure, 102 (*see also* Land, customary)
 Villains as affeerers, 101
 Villains as jurors, 105, 147
 Villains as presenters, 97, 110
 Villain words, 27, 28, 29, 30
 Waif, 144
 Wara, 108
 Warrant of essoin, 50, 58, 85
 Warrant on sale of chattels, 128, 138
 Warren, 35, 52
 Whole lands and half lands, 108
 Witness, 77
 Writ of entry, 112
 Writ of right, 77
 Writ from lord, 111
 Writ, procedure by, 69, 77
 Written proceedings, 49, 58, 96
 Year and day, 144

INDEX OF PERSONS

MENTIONED IN THE EXTRACTS FROM THE ROLLS OF THE
MANOR OF LITTLEPORT, CO. CAMBRIDGE.



- Abbot, Abot, Habot
 Agnes, 122
 Henricus, 108
 Thomas, 121
 Willelmus, 132, 133, 138, 141
Akerman, Willelmus, 142, 147
Albin prepositus, 120
Albin, Albyn
 J., 115
 Johannes, 135, 138, 141 *bis*, 142
 Walterus, 130, 138 *bis*, 147
Albinus Anke, 138
Aldere, Alexander de, 108
Alicia vidua, 108
Alrehee, Alexander de, 108
Anc, Radulfus, 135
Ancre, Agnes, 121
Anke, Albinus, 138
Augustinus, 108
Auke, Ricardus, 124
Azo Messor, 108
- Balle, Alicia, 130
 Robertus filius Osberti, 108
 Osbertus, 108
Balsham, Hugo de, Bishop of Ely,
 119
Bantelig, Johannes, 129 *bis*
Bateman, Adam, 144
Beaucosin, Beucosin
 Henricus, 122
 Johannes, 132, 140 *bis*, 141, 142,
 143, 144, 146
- Beaucosin, Mabilia, 146
 Oliverus, 114, 124, 128
Belde, Hugo, 136, 137 *bis*, 139, 140
 bis, 141, 143, 146
Bercarius, Henricus, 126, 127, 128,
 129
 Radulfus, 129
Bercher, Florencia le, 131
 Johannes le, 126
Beystens, Boystons, Johannes, 122,
 124, 132, 143
Bindebere, Byndeber
 Roesia, 129, 133 *bis*, 135
 Walterus, 122, 133
Bol, Rogerus, 144
Bolay, R., 129, 131
 Radulfus, 127, 129, 130 *bis*, 133
 bis, 135, 137, 138, 139, 142, 143,
 144, 146
 Robertus, 127, 131
Bolewere, Johannes le, 129
Brabazon, Alanus, 140 *bis*
Bretoun, Simon, 124, 125
 Margeria uxor ejus, 126
Brewestere, Henricus le, 144
Brid, Reginaldus, 120
Brodбак, Arnoldus, 108
 Emma que fuit uxor Gilberti, 108
 Thomas, 108
Brokenhorn, Brockhorn, Brokehorn
 Agnes quondam uxor Willelmi, 137
 Johannes, 125
 Petrus, 108
 Radulfus, 120

- Brokenhorn, Brockhorn, Brokehorn
 Ricardus, 108
 Thomas, 129, 137, 141
 Willelmus, 120, 137
 Bulwarde, Johannes le, 136
 Mabilia uxor ejus, 136
 Burwelle, Stephanus de, 136
- Cant', Johannes de, 127
 Cantebrugg, Nicholaus de, 121
 Cartere, Charetere
 Mabilia uxor . . . le, 147
 Robertus le, 125, 126, 127, 128,
 129, 130 *bis*, 138 *bis*, 139, 140,
 142 *bis*, 145 *bis*, 147
 Willelmus le, 126
 Chapeleyn, Bartholomeus, 123
 Charet, Robertus de, 123
 Charetere, *see* Cartere
 Clerici, Thomas filius Reginaldi, 122,
 124
 Clerke, Thomas le, 140
 Cornwalleys, Johannes, 121
 Cote, Kote, Willelmus, 108
 Crille, Johannes, 140
 Cristemasse, Johannes, 143
 Curteys, Johannes, 136
 Thomas, 136, 147
- Daune, Johannes, 124, 126
 Drury, Isabella, 136
 Margareta, 145
- Elm, Johannes de, 123, 125, 126,
 127, 128, 129
 Willelmus de, 128
 Ely, Bishops of
 Balsham, Hugh de, 119
 Hothom, John de, 121, 122, 123,
 124, 126, 128, 129, 130 *bis*
 Ketene, J. de, 134
 Norewold, Hugh de, 121
 Ermegard vidua, 108
 Est, Hubertus, 143
- Fattewelle, Johannes filius prepositi
 de, 114
- FILIUS, FILIA :—
 Ace, Walterus, 108
 Willelmus, 108
 Ailrech, Azo, 108
 Armeyard, Willelmus, 108
 Hervei, Willelmus, 119
 Prepositi, Johannes, 114
 Reginaldi clerici, Thomas, 122,
 124
 Ricardi, Robertus, 108
 Stangrim, Johannes, 108
 Stanhard, Johannes, 108
 Walteri, Henricus, 140
 Fishere [*see* also Piscator], Henricus
 le, 139, 141, 142, 143, 146
 Johannes le, 127, 141, 142
 Willelmus le, 125
 Fle, Hugo, 126
 Johannes, 123
 Foulere, Willelmus de, 138
 Fox, Johannes, 142
 Johannes, junior, 123, 125, 126,
 128, 129, 138, 141, 143, 146 *bis*
 Johannes, senior, 128, 139, 141,
 143 *bis*
- Gardhaut, Garhaut
 Johannes, 130, 136
 Katerina filia ejus, 130
 Gibat, Galfridus, 108
 Gigil [*see* also Kiggel]
 Johannes, 132
 Michael, 132
 Godescarte, Willelmus, 140
 Godloke, Willelmus, 126
 Gunten, Johannes de, 136
 Alicia uxor ejus, 136
 Gys, Henricus, 122
 Wido filius ejus, 122
- Habot, *see* Abbot
 Hareng, Galfridus, 108
 Johannes, 132
 Nigellus, 108
 Hasel, Willelmus, 123
 Helegeye, Willelmus de, 127
 Herde, Hirde, Hyrde
 Emma uxor Johannis le, 136

- Herde, Hirde, Hyrde
 Johannes le, 135, 136, 140, 141, 147
 Hering, Johannes, 129
 Herveus, 119
 Willelmus filius ejus, 119
 Hervy, Willelmus, 119
 Hewen, Willelmus, 124, 132, 140,
 141
 Margeria uxor ejus, 140
 Hospitalis S. Johannis, Fratres, 128,
 132
 Magister, 130
 Hothom, John de, Bishop of Ely,
 121, 122, 123, 124, 126, 128, 129,
 130 *bis*
 Hubert, Amicia, 146
 Hucstere, Huxtere
 Willelmus le, 125, 131, 139
 Alicia uxor ejus, 125
 Hynde, Johannes le, 127, 129

 Ide, Rogerus, 120
 Ilger, Johannes, 145
 Salomon, 129, 145
 Willelmus, 144
 Ixseninge, Nicholaus, 134

 Jordan, Elisota, 139

 Ketene, J. de, Bishop of Ely, 134
 Kiggel, Kygel [*see also* Gigil]
 Agnes filia Michaelis, 145
 Johannes, 126
 Michael, 141
 Kingstede, John de Stowe persona
 de, 127
 Knyt, Galfridus, 120
 Kote, *see* Cote
 Kyng, Rogerus, 144

 Lakinghethe, Thurstan de, 126
 Lange, Elizabetha la, 134
 Larke, Henricus, 119
 Juliana, 119
 Launce, Isabella, 125
 Johannes, 124

 Launce, Thomas, 124, 126
 Laurke, Lauerke, Gerardus, 108
 Ricardus, 108
 Lovering, Johannes, 139, 143
 Lytleport, Michael de, 127

 Maddingle, Robertus de, 127
 Malherbe, Thomas, 108
 Manimester, Maynimester
 Johannes, 114, 131, 139, 141, 143
 Marchant, Johannes le, 120
 Stephanus filius ejus, 120
 Marchford, Willelmus le Foulere de,
 138
 Mauntele, Manteley
 Ricardus, 125, 126, 131, 136, 142
 Mabilia uxor ejus, 125
 Meire, Meyre, Willelmus le, 124, 131
 Messor, 122, 126, 127, 128, 130, 135
 Azo, 108
 Michel, Willelmus, 132
 Molendinarius, Simon, 127
 Mortimere, Henricus, 138, 143
 Mounfort, Monfort, Mounford
 Johannes, 113, 123, 125, 126, 138
 bis
 Johannes junior, 129, 143

 Neno, Willelmus, 108
 Neweman, Herveus le, 119
 Norewold, Hugh, Bishop of Ely, 121

 Packere, John le, 126, 129
 Patrik, 108
 Johannes, 135
 Peche, Willelmus, 124
 Pectston, Pexton, Johannes, 120, 124
 Pickerel, Ricardus, 127
 Salomon, 127
 Piscator [*see also* Fishere]
 Henricus, 124, 128
 Johannes, 124, 134
 Pomat, Johannes, 126
 Pope, Johannes, 124
 Porcarius, Johannes, 131
 Porteroye, Johannes, 124
 Prepositus, 108

- Prepositus, Albin, 119
 Presthous, Stephanus atte, 135

 Ramsey, Abbot of, 120, 126, 131
 Ripereve, Galfridus Knyt, 123
 Rushepilere, Rispiler, Alanus, 126,
 132

 Sarle, Johannes, 135
 Sauser, J., 115
 Schirhorne, Ricardus, 123
 Scot, Robertus, 143
 Shepherd, Henricus le, 144
 Sneil, Sneyl, Gerardus, 108
 Ricardus, 108
 Stangrim, 108
 Stonhard, Johannes, 108
 Stowe, Johannes de, persona de
 Kingstede, 127
 Stretham, Johannes de, 128
 Swetegrom, Swetgrome, Sewetegrom
 Adam, 143, 144
 Henricus, 128, 132, 143, 145
 Swon
 Geoffrey le, 114
 Mabel, 114

 Tame, Gilbertus, 121
 Fugerus filius Margerie, 120
 Margeria, 120
 Thomas, 120, 139

 Tame, Willelmus, 132
 Tepito, Typeto, Johannes, 113, 122,
 126, 127, 132, 135 *bis*, 138, 140,
 141, 142 *bis*, 143, 147
 Willelmus, 110
 Thame, Thomas de, capellanus, 127,
 131, 138
 Willelmus de, 130, 133
 Tidd, Tyd, Adam de, 134
 Johannes de, 119
 Ricardus de, 134, 140
 Willelmus de, 144
 Torold, Ricardus, 123

 Vacher, Robertus le, 126
 Veke, Willelmus le, 113

 Welle, Witpayn de, 120
 Weting, Petrus de, 125
 Whitring, Whetering, Whytering,
 Witering
 Galfridus, 131, 134, 142, 147
 Henricus, 130, 147
 Johanna filia Galfridi, 134
 Johannes filius Galfridi, 142
 Mabilia uxor Galfridi, 142
 Reginaldus, 147
 Thomas, 137
 Whippe, Willelmus atte, 141
 Wintering, Galfridus de, 122
 Witing, Walterus, 119

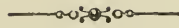
OBJECTS AND WORK
OF THE
SELDEN SOCIETY

WITH
AN ACCOUNT OF THE PRINCIPAL CLASSES OF
MANUSCRIPTS WITH WHICH THE SOCIETY
PROPOSES TO DEAL

LONDON
BERNARD QUARITCH, 15 PICCADILLY, W.
1891

Price to non-members of the Society, One Shilling.

CONTENTS.



PAGE

OUTLINE OF THE OBJECTS OF THE SOCIETY	...	...	...	...	5
AN ACCOUNT OF THE PRINCIPAL CLASSES OF MSS. WITH WHICH THE SOCIETY PROPOSES TO DEAL	...	...	...	...	9
SCHEME FOR THE COLLECTION OF MATERIALS FOR THE DICTIONARIES OF ANGLO-FRENCH AND OF LAW TERMS	...	...	...	...	17
PUBLICATIONS OF THE SOCIETY	...	...	...	...	21
COPY OF THE ORIGINAL PROPOSAL TO FOUND THE SELDEN SOCIETY					22
RULES OF THE SOCIETY	...	...	...	...	24
HONORARY SECRETARIES	...	...	...	...	26
OFFICERS AND COUNCIL	...	...	...	...	27

Selden Society.

FOUNDED 1887.

TO ENCOURAGE THE STUDY AND ADVANCE THE KNOWLEDGE OF
THE HISTORY OF ENGLISH LAW.

OUTLINE OF OBJECTS.

- I. The printing of MSS. and of new editions and translations of books having an important bearing on English Legal History ;
 - II. The collection of materials for Dictionaries of Anglo-French and of Law Terms ;
 - III. The collection of materials for a history of English Law ;
 - IV. The holding of meetings for the reading and discussion of papers ;
 - V. The publication of a selection of the papers read at the meetings and of other original communications.
-

The fifth volume of the Society's publications, which will be issued in respect of the Subscription for 1891, is in course of preparation. It will consist of the well-known "Mirror of Justices," and will be edited from the MS. at Corpus Christi College, Cambridge, by Mr. J. W. Whitaker, of Trinity College, Cambridge. This curious book has never been properly edited, and the text of it which has hitherto been current is full of many perplexing mistakes. The book is of great importance as showing the opinion which a distinguished citizen of London held concerning the administration of the Common Law by the King's Justices, and the many defects in the great statutes of Edward I.'s reign.

The sixth volume of the Society's publications, which will be issued in respect of the Subscription for 1892, will be 'The Leet Jurisdiction in the City of Norwich during the Thirteenth and Fourteenth Centuries,' edited, from rolls in the possession of the Corporation, by the Rev. W. H. Hudson. The value of this volume will consist in the early character of its evidence on the working of the Frankpledge system, of which little has hitherto been known, and on the subject of municipal development in a chartered borough, the origin of municipal divisions, and on the social, commercial, and judicial arrangements at the close of the thirteenth century in one of the largest cities in the kingdom.

The first publication of the Society, issued in respect of the Subscrip-

tion for 1887, is a volume of Thirteenth Century Pleas of the Crown, from the Rolls preserved in H.M. Public Record Office, edited, with a translation, by Mr. F. W. Maitland, Downing Professor of the Laws of England, Cambridge. Many of these criminal cases are very interesting, and they throw more light than cases of almost any other class on the manners and customs of the people. They are not, however, on that account the less valuable from the point of view of the legal historian. The criminal cases in the Year Books are not many, and yet they have to fill the long interval between Bracton and Staundford. The volume begins with the year 1200, and contains many cases from the reign of John, which illustrate fully the working of the ordeals of fire and water. It contains also many cases from the first part of Henry III.'s reign, which may serve to show how a substitute for the ordeals was gradually found in trial by jury. Though for the most part the cases are cases of felony, still many of the grievances redressed by the Great Charter are illustrated, and care has been taken to collect whatever throws new light on the procedure of the ancient Local Courts, the system of frankpledge, the representation of counties and boroughs for judicial purposes, the condition of the towns, their corporate privileges, and the like.

The second volume of the Society's publications, issued in respect of the Subscription for 1888, is a volume of Select Pleas in Manorial and other Seigniorial Courts from the earliest Manorial Rolls extant, edited with a translation by Mr. F. W. Maitland. The term Manorial Rolls may perhaps hardly give a fair impression of the contents of these records. Only a small part of them is taken up by conveyancing entries, such as surrenders, admittances, and the like. By far the greater part is taken up by contentious proceedings; and these are of many different kinds. In the first place there are the actions for land held by villein services, and disputes between the lord and his tenants as to services and rights of common, and similar matters. In the second place, there are numerous personal actions for debts and trespasses, matters quite unconnected with land law. In the third place, the lord usually has the leet jurisdiction. The first stages of a criminal prosecution often take place in the Local Courts; and the pettier offences are punished there, the King's Courts hardly as yet interfering with any crime which falls short of felony. The mediæval law as to offences answering to our modern misdemeanours and offences punishable upon summary conviction must be found in the Rolls of the Local Courts, which were in truth the police courts of the neighbourhood. The procedure before these local tribunals is of very great interest, as it preserved many archaisms which had disappeared from the King's Courts before the time at which our extant records begin. Lastly, the whole system of local police, of frankpledge and so forth, is displayed. In short, the whole legal life and much of the social life of a mediæval village is recorded in one way or another upon the Manor Rolls. In the Public Record Office there is a rich collection of these rolls, many dating

from the reign of Edward I. and a few even from the reign of Henry III., relating to manors which at one time or another came into the hands of the Crown. It is probable that there are rolls equally early in other libraries and in private hands; and about such the Council will be grateful for any information. By the permission of the Council of King's College, Cambridge, the editor has been able to use a very ancient set of rolls belonging to the Abbey of Bec. The volume contains extracts from the rolls of the manors in England of the Abbey of Bec in no less than thirteen counties (Berks, Bucks, Dorset, Hants, Middlesex, Northampton, Norfolk, Oxford, Surrey, Suffolk, Sussex, Warwick, and Wilts); extracts from the rolls of the Abbot of Ramsey's manors in Huntingdonshire, and from the rolls of his great honour of Broughton, which extended into seven shires; also from the rolls of his Court of the fair of St. Ives in 1275, which contain many curious cases concerning the merchant "communitates" of Huntingdon, Leicester, Nottingham, and other towns, and throw new light on "the law merchant"; also from the rolls of the Abbot of Battle's Manorial Court of Brightwaltham (Berks), and of the view of frankpledge held at Brightwaltham, for Brightwaltham, Hartley, and Conholt; also from the rolls of the Abbess of Romsey's Courts of the Manor of Ashton and of the Hundred of Whorwheelsden, Wilts.

The third volume of the Society's publications, issued in respect of the Subscription for 1889, is a volume of Select Civil Pleas of the thirteenth century from the Plea Rolls preserved in H.M. Public Record Office, edited with a translation by Mr. W. Paley Baildon, of Lincoln's Inn. Some account of these Rolls is given by Professor Maitland in his Introduction to the first volume of the Society's publications. The Civil Cases for the most part consist of actions relating directly or indirectly to land, of writs of right, writs of entry, actions for dower and the like; the various "Assizes" (Mort d'ancestor, Novel disseisin, Last Presentation, &c.) are very frequent. In these actions the title of the litigants is often set out with much detail. Sometimes it is traced to the Conquest; and at times reference is made to Domesday Book. Among the actions indirectly concerning land may be instanced those to enforce feudal services, for warranty of land, disputes about levying tolls, infringement of franchises, obstruction of rivers, and so forth. Among cases not concerning land there may be mentioned an early case of Boycotting in 1200, and an action for breach of promise of marriage somewhat later. This volume, like the recent volume of Pleas of the Crown, begins with the year 1200, the point at which the *Rotuli Curiae Regis*, edited by Sir Francis Palgrave for the Record Commissioners, comes to an end, and well illustrates how new writs were devised when occasion required, and thus displays the gradual evolution of the various "forms of action," real and personal. Cases of exceptional topographical or genealogical interest are inserted, as well as all important cases referred to in the *Abbreviatio Placitorum*.

The fourth volume of the Society's publications, issued in respect of

the Subscription for 1890, is a volume on the Court Baron, edited by Professor F. W. Maitland and Mr. W. Paley Baildon. It contains four short treatises containing precedents for the business of Manorial and other Local Courts. These treatises belong to the early part of the fourteenth and the last years of the fifteenth century, and will, it is hoped, throw new light on many points, especially upon procedure and pleading. The volume will also comprise selections from the Court Rolls of the Bishop of Ely's Manor of Littleport, which rolls have been placed at the Editor's disposal by the kindness of Mr. O. C. Pell.

In all the publications of the Society there will be, besides a translation, a full subject index and complete indexes of the names of all persons and places, thereby rendering the volumes of great value to local historians and genealogists as well as to lawyers.

The Council will be glad to receive offers of help from all persons who are willing to assist in carrying into effect the second of the Society's objects: the collection of materials for the Dictionaries of Anglo-French and of Law Terms. Directions for the plan to be adopted in collecting materials have been kindly drawn up by Professor W. W. Skeat. These will be found at pp. 17-20 of 'Objects and Work of the Selden Society,' bound with each of the Society's volumes.

An account of the principal classes of MSS. with which the Society proposes to deal may be had from the Honorary Secretary by members of the Society gratis, or by non-members at the price of one shilling. Mr. Bernard Quaritch, 15 Piccadilly, W., has been appointed agent for the sale to non-members of the Society's publications. The price to non-members of each volume of the Society's publications will be £1. 8s.

The Annual Subscription to the Society is One Guinea, due on the 1st of January for the year then commencing. Members have no further liability of any kind. Each Subscriber will receive a copy of all the publications issued in respect of the Subscription for the year. Subscribers paying Five Guineas now will receive a copy of the first, second, third, and fourth volumes of the Society's publications as well as the publications for the current year. A composition of Twenty Guineas is accepted in lieu of all Annual Subscriptions, constituting Life Membership from the date of composition, and in the case of Libraries, Societies, and Corporate Bodies, Membership for thirty years. Subscriptions should be paid:

in America, to EZRA R. THAYER, Cambridge, Mass., Honorary Secretary for America, who has kindly undertaken to receive all American Subscriptions;

in England, to the Honorary Secretary and Treasurer,

P. EDWARD DOVE,

July 1891.

23 Old Buildings, Lincoln's Inn.

Selden Society.

FOUNDED 1887.

The Selden Society has been formed to encourage the study and advance the knowledge of the History of English Law. This will at first be carried into effect mainly by collecting and editing in a convenient form materials for students to work upon in their own way. Vast stores of material of the most valuable kind, illustrative of the growth and the principles of the mediæval common law, lie buried in unindexed and uncalendared records of the realm at the Public Record Office, and in unpublished MSS. in public and private libraries; and one main object of this Society will be to collect and publish selections from these records and manuscripts.

But although publishing will thus be the chief object of the Society, it is proposed to hold meetings from time to time for the receiving of reports of work done or in progress, the reading of papers and the discussion of other matters of interest; though it is not proposed at present to spend any money in printing papers or transactions.

A short account of some of the principal classes of records which may be dealt with by the Society will serve to show how wide a field lies open to its labours.

First in importance and judicial authority are the Plea Rolls of the Courts of King's Bench, Common Pleas, and Exchequer, including the Rolls of the Curia Regis, of which the earliest in existence is of the sixth year of Richard I. The earlier portion of the Rotuli Curia Regis, up to and including the first year of John, have been printed in full by the Record Commissioners, and the continuation of this publication, either in extenso or in the form of selections, would be an appropriate undertaking for the Society, although the records of a somewhat later period are perhaps more full of interest. The later pleadings and judgments are the most authentic materials for English legal history. They throw great light both upon the state of the law and the social and economic condition of the

people; and as very many of the judgments give the *rationes decidendi* upon which the Court proceeded, they will not only be interesting as illustrations of legal history, but will also supply available precedents on many questions still frequently litigated in the Courts relating to rights of common, markets, fisheries, tolls, &c., and will moreover be of great use in illustrating the growth of many principles of the law the origin of which is obscure. A few of these valuable records have been made to some degree accessible, but in a very imperfect and inadequate manner, by the "Abbreviatio Placitorum" printed by the Record Commissioners. The extracts there given are very scanty, being in fact only a portion of a large mass of short notes entered in a kind of Commonplace Book by Agarde and other keepers of the Records in the time of Queen Elizabeth, the remainder of which is in the Public Record Office. They are moreover so brief that it is impossible in most cases to discover the true value of the record without having recourse to the original, a labour requiring so much time and such special palæographical knowledge that, for the practical purposes of the general student, these records remain a sealed book. A glance at the *Index Rerum* of the "Abbreviatio Placitorum" will show more clearly than can be done in the present prospectus the importance of publishing selections from these records in greater detail and in a more complete form.

It is also proposed to print extracts from the Eyre Rolls and Assize Rolls with the view of illustrating the state of the criminal law in early times. These records extend from the reign of Henry III. to that of Henry VI. inclusive; and from them it is expected that much valuable matter will be derived, which will no doubt assist in clearing up the many difficult points and doubts arising from the obscure language and imperfect entries of the reports found in the printed Year Books. The criminal cases in the Year Books are not many, and yet they have to fill the long interval between Bracton and Staundford. Many points are still obscure, and none more so than the history of the petty jury. By the publication of these records we ought to be able to trace the precise process by which the twelve hundredors and four townsmen of Bracton became the two juries of a later time.

It may be here remarked that Coke, Selden, Hale, and other writers now received as more or less authoritative, depended very much in their turn on the records above mentioned, to which however they seem to have had but very imperfect access. Hale, in particular, quotes largely from them, and when he states a proposition of law he generally

proceeds to illustrate and prove it by extracts taken from these Rolls. One of the objects of the Society will be to supply, as far as its means permit, a complete collection of entries similar to those from which these authors have deduced their principles, with the view of enabling future writers to illustrate more amply the ancient propositions and principles of the law, and to correct the earlier text-writers in those instances in which, from being in possession of imperfect materials only, they were led into error.

By the publication of such collections, much light will incidentally be thrown on the social life and condition of England during the Middle Ages. The records of the Courts are rich in entries bearing on the state of the tenants in villenage, their services and their relation to their lords ; on the laws and customs of cities and boroughs and social administration in them ; on trials by ordeal and by battle ; on the laws of the forest ; on the powers of the Court and the Justices ; on feudal tenures ; on the modes of settling land, the customs of Borough English and Gavelkind, and other interesting subjects, such as the evolution of the forms of action, the doctrines of possession, consideration, contract, and so forth.

The earlier proceedings of the Court of Chancery commence in the reign of Richard II., and show that the business of the Court at that period did not consist chiefly in suits relating to the uses of land, but in receiving and adjudicating on petitions addressed to the Chancellor in cases of assault and trespass and a variety of outrages which were cognisable at Common Law, but for which the Petitioner was unable to obtain redress, owing to the position or powerful connexions of his adversary. They are exceedingly valuable and interesting as illustrating the origin and variations in the mode of procedure of the Court of Chancery as a court of equitable jurisdiction, and are full of information as to the manners and customs of the times. A few specimens of these early proceedings have been printed by the Record Commissioners, but a vast collection of them awaits further exploration.

The pleadings in the Ordinary or Common Law side of the Court of Chancery exist from a very early time, and consist of proceedings in Petitions of Right, on Traverses of Inquisitions, and in writs of *scire facias* for the Repeal of Letters Patent, Writs of Partition and Dower, and similar matters of ordinary legal procedure.

The records of the Court of Exchequer, on the Equity or Queen's Remembrancer's side, consist of the proceedings on Informations exhibited by the Attorney-General against debtors and accountants to the Crown, or on seizures of goods forfeited for non-payment of customs or other

causes, and on Attainders and actions for the recovery of Crown property illustrating incidentally personal history and successions to property. They also contain pleadings in such personal actions as were pleaded in this Court by means of the writ of "Quominus," including a great number of actions by the clergy for non-payment of tithes. The Memoranda Rolls of this branch of the Exchequer extend to the present century in an almost unbroken series from the reign of Henry III., and some are in existence of an even earlier time. These, together with the English Bills from the time of Elizabeth, constitute a mine of information that ought to be made available for the legal and the historical student.

The Memoranda of the Lord Treasurer's Remembrancer embrace an equally wide period, and contain the enrolments of the pleadings and judgments in suits on writs of "Quo titulo clamat," of "Quare maneria in manibus regis seisiri non debent," on claims of franchises and privileges within cities, boroughs, towns, and liberties, and of commissions to survey Crown lands, woods, and wastes, &c., with the returns thereto, and abound with information on the subject of commons, fisheries, mines, profits and perquisites of Courts, and manorial rights and customs generally.

A glance at Jones's "Index to the Records," under the head of "Memoranda," will be sufficient to show the valuable nature of this series of records.

The Plea Rolls on the Common Law side of the Exchequer extend over the same period as the Memoranda Rolls, and form a voluminous record of actions relating to real property and titles.

In addition to the foregoing, the records of the Courts of Star Chamber and Requests, and of the Courts of Augmentation of the Crown Revenues, established by Henry VIII. and Edward VI., are full of legal and historical interest, and may, by a process of judicious selection, be made to furnish many volumes of the greatest value to the legal student, the county historian, and the student of social economy.

The large collection of records of criminal trials known as the *Baga de Secretis*—records once kept in the Treasury of the King's Bench in the custody of the Lord Chief Justice of England, the Clerk of the Crown, and the Attorney-General—should be carefully examined. Extending as these records do from the time of Edward IV. to that of George III., comprising as they do the chief State Trials during more than three centuries, they are of priceless value. Yet they have been much neglected by lawyers and historians. Sir Francis Palgrave's catalogue of their

contents is useful, but it is only a catalogue. A systematic account of the contents, with extracts and notes, has yet to be prepared.

The continuation of the publication of the proceedings and ordinances of the Privy Council, that is to say the renewal and completion of the work of Sir Harris Nicolas, would be no small service. There are few gaps in the Privy Council Registers, and a study of them might throw much new light on the history of one of the most important, and, it may be added, most obscure of English institutions.

The records of the Courts in which the Canon Law was administered in this country, so far as they still exist, would probably be of high interest; and it is hoped that the Society may hereafter find means of inquiring into them, and if they should be found of value of publishing some extracts from them. A well-known passage in Chaucer's *Friar's Tale*, descriptive of the jurisdiction of an Archdeacon's Court, can hardly fail to whet the appetite of the investigator into the laws and manners and customs of our ancestors:—

“Whilom there was dwellyng in my countré
An erchedeken, a man of high degré,
That boldely did execucioun
In punischyng of fornicacioun,
Of wicchecraft, and eek of bauderye,
Of diffamacoun and avoutrye,
Of chirche-reeves and of testamentes,
Of contracts, and of lak of sacramentes,”
 &c. &c.

How far such an investigation is likely to prove fruitful is as yet a question on which the Council has formed no opinion.

The jurisprudence and practice of the Manorial Courts being of great interest to the constitutional and social historian should be illustrated by the records that escaped the incendiaries of 1381. With these might be included an account of the Courts of the Forest and of Forest Law, the jurisdictions of the Palatine counties, including the Duchy Courts, and such franchises as Ely, which enjoyed *jura regalia*, and the interesting franchises of the Lords Marchers on the Welsh borders, together with the peculiar customs which prevailed within the Scotch borders.

The origin and jurisdiction of the anomalous Courts of Council which incroached upon the province of the Common Law would well repay further investigation, especially as several of these possess a very full collection of records. Amongst these may be mentioned the Council of the West and marches of Wales which runs parallel with the decaying franchises of the

Lords Marchers, and in relation to which an enormous mass of unexplored evidence exists in the Cottonian collection; the great Court of Star Chamber; the Court of Requests, with an interesting series of records little known to legal antiquaries, except by the illustrative cases edited at the end of the sixteenth century by Sir Julius Cæsar, a work which is now very rare; the Council of the North, founded in 1536, and reorganised in 1632 by Lord Strafford, a monograph of which would be of great interest to Yorkshire antiquaries; the Stannary Courts, and the Court of the Staple both at London and Calais, two institutions which illustrate the rise of the commercial greatness of this country in the fourteenth and fifteenth centuries; the Court of Castle Chamber at Dublin and others, all of which will serve to illustrate the history of the incroachments of the extraordinary jurisdiction of the Crown.

The origin of Mercantile and of International law might be fully illustrated from the evidence of mediæval and Tudor State Papers, and it is hoped to compile a collection of precedents from these and other sources.

The Anglo-Saxon laws form another sphere of work that should not be neglected. In the words of the Bishop of Oxford, "such documents are generally obscure, requiring for their elucidation a knowledge of the customs they were intended to amend, which is not easily attainable." Here the documents themselves have to be carefully collated, analogies to the Carlovingian or other systems have to be sought for and noted; and the vast mass of illustrative matter which modern archæological and historical research has brought to light has to be arranged and utilised. Passing to such compilations as the laws of "Edward the Confessor" and of "Henry the First," we find in them attempted codes of common law and custom, which require to be studied in connexion with Domesday Book. Early charters have hitherto been comparatively little studied, and Madox's *Formulare* has clearly shown how valuable is their evidence for the history and development of legal formulas. Scattered also through early cartularies is a rich store of references to, and descriptions of, early suits and pleadings almost from the time of Domesday Book. All these require collection on a scientific and systematic plan. Borough customals and records of suits in which municipalities have been engaged, both in print and in MS., have to be examined, and will be found occasionally to supply materials which would elsewhere be sought in vain.

The question is not so much what to include as where to begin.

A Volume on the origin of the King's Courts is much to be desired. The archæology of the subject is almost a blank. Little that is definite is known of their official procedure before the thirteenth century; yet there

are many scattered and unique fragments that would supply much of the knowledge that is wanted. For lack of this knowledge Selden and others of old may have fallen into error. Madox and Palgrave did something to fill the gap. Something further in the same direction may be hoped to be accomplished.

It is hoped also to publish new editions of Glanville, Bracton, Fleta, the Mirror, and other ancient treatises. The mass of valuable material which has never yet been printed is, however, so large that at first the Society may devote its attention mainly to this, rather than to books which, in however imperfect a form, are already in print; but the claim of these books to be well edited will not be neglected. There are also many "readings" by famous lawyers which have never been printed, and some of these well deserve publication as being concise and systematic expositions of various branches of the law.

It is proposed that the records published by the Society shall, as a general rule, be accompanied by translations and furnished with carefully constructed digests and indexes of the names of persons and places, thereby becoming of great value to local historians and genealogists as well as to lawyers.

The collection of materials for Dictionaries of Anglo-French, and of law terms and phrases, also comes within the scope of the Society's work, and will, it is hoped, be at once begun. The Council desire to call special attention to the practical instructions, kindly drawn up by Professor W. W. Skeat, for the collection of these materials. If these instructions are carefully adhered to, the collections will become a most valuable index to the whole of our law. When the collections are sufficiently complete for printing—a matter doubtless of many years—they will be handed over for editing to some competent philologist. Until then they will be kept in some convenient place where scholars may have access to them at all reasonable times; and it is even possible that arrangements may be made by which scholars at a distance, who are unable to consult them in person, may be informed of their contents on any particular subject.

The Council will be glad to receive offers of help in editing the Society's publications and in collecting materials for the Dictionaries, as well as any information as to the custody and contents of any MSS. that ought to be dealt with by the Society.

Considering that English law constitutes one of the great systems of jurisprudence of the world, not restricted to England and Ireland, but being the origin and model of the institutions of the United States and of our Colonies, the importance which attaches to its due investigation can hardly be exaggerated. Much light may also be thrown, as the English materials

become more accessible, upon the historical comparison of English and Scotch law. From the Scotch side the subject is obscured through scantiness and want of system in the early national records. And here it may be observed that the completeness with which such early records as exist in Scotland have been collected and edited, affords a striking contrast to the poverty in the midst of wealth which lies before the English student. As the amount of the Society's work depends entirely on the number of Subscribers, it is hoped that the Society will obtain a large number of supporters. Inasmuch as the Society is not burdened with any expenses on the score of rents or salaries, almost the whole of its income will be directly devoted to the preparation of its publications ; and it is not unreasonable, therefore, to hope that the amount of the publications will be considerable.

The Annual Subscription to the Society is One Guinea, due on the 1st of January for the year then commencing. Members have no further liability of any kind. Each Subscriber will receive a copy of all the publications issued in respect of the subscription for the year. A composition of Twenty Guineas is accepted in lieu of all Annual Subscriptions, constituting Life Membership from the date of composition, and in the case of Libraries, Societies, and Corporate Bodies, Membership for thirty years. Subscriptions should be paid :

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in England, to the Honorary Secretary and Treasurer,
Mr. P. EDWARD DOVE, 23 Old Buildings, Lincoln's Inn, London.

SCHEME FOR THE COLLECTION OF MATERIALS FOR THE DICTIONARIES OF ANGLO-FRENCH AND OF LAW TERMS.

I. THE DICTIONARY OF ANGLO-FRENCH.

The best name for the language of the French MSS. written in England is, from a philological point of view, ANGLO-FRENCH. The term Norman is objectionable, as it may be confused with the Norman of the Continent, from which Anglo-French gradually diverged, owing to its peculiar locality and use.

Anglo-French is chiefly used for legal matters, but not exclusively; we find also histories, romances, and poems. It would be highly desirable to make a complete list of all the MSS. and books existing in Anglo-French, or at any rate of all the editions. A list of the unpublished MSS. might be made later.

In compiling a Dictionary of the language, by far the best plan is to follow, as far as is deemed convenient, the method which has been so successfully employed for the construction of the New English Dictionary, now being edited by Dr. Murray. This is the only feasible plan by which a satisfactory result can be obtained.

In order to make a complete Dictionary of the whole language it will be necessary to take some notice of every word; but when the same word recurs it need not be again noticed, unless there is some variation in the mode of its use, or in the sense or in the spelling.

It may be remarked here that the very words which are perfectly intelligible to the modern Englishman, because they have found their way into English itself, are precisely those which are of most interest and importance to the English philologist; but, in the compilation of a glossary only, they would probably receive but small attention.

II. THE DICTIONARY OF LAW TERMS.

The want of a good dictionary of law terms has long been felt as well by practising lawyers as by antiquaries and historical students. Existing law dictionaries are in many ways imperfect. The publication of mediæval records and documents has thrown open to our generation many sources of information which until of late years were not accessible; and it is hoped that by the co-operation of scholars who are willing to read one or more books and to collect quotations, a dictionary may be prepared which shall contain the results of modern research.

It is desirable to collect materials on the widest possible scale. All technical legal terms, all words common in legal forms, and all words used

to describe parcels, whether used with a technical meaning or not, should be included. When the materials have been collected and are ready for editing, it may be necessary to place some limits to the dates of the words to be included in the dictionary, or it may even be necessary to have two dictionaries, the one of earlier and the other of later terms ; but the Council think it better to leave the decision of these and other questions until the materials have been collected.

It is obvious that quotations are required for the illustration of all words ; and the collection of slips should be begun at once.

The following rules for the guidance of workers are copied from those adopted by the Philological Society. They are found to work extremely well in practice.

The most important of these rules is Rule 1. It is absolutely necessary that all the slips used should be of the same size and form. The right size is precisely 7 inches by $4\frac{1}{2}$, this being the commonest size of note-paper. If this is at all varied from, trouble is caused ; but it may be remarked that a sheet slightly *under* this size can, in practice, be sorted in with the rest, and tied up in bundles ; whilst a sheet a little *over* the right size causes a great deal of annoyance, and is liable to be cut or partly torn away. The bundles of slips should be tied up with tape, and should be flanked on both sides by protecting pieces of millboard, of the same size as the slips themselves.

As only *half-sheets* are required, and the writing is to be on *one* side only, it is often possible to use up halves of old letters. There may even be writing or printing on the other side ; only it should be crossed out.

MECHANICAL AND PRACTICAL REGULATIONS.

1. Each word or phrase should be written out with its quotation and the full reference on a separate half-sheet of note-paper, *lengthwise, and on one side of the paper only*.*

[N.B.—A ream of common note-paper costs 2s. ; this should contain 480 sheets and 960 half-sheets, thus admitting of the registration of 960 words at a trifling expense.]

It is most earnestly requested that this rule may be strictly and undeviatingly followed, its object being to enable the Editors to sort the various contributions at once into alphabetical groups, and so to prevent the accumulations of matter from becoming unmanageable.

* The exact method of transcription is shown by the specimen given on page 20.

2. The edition made use of should be stated once for all by written communication to the Honorary Secretary, and throughout adhered to; and in the references, author's name and treatise, page, chapter and section, and verse where existing, should be given. The date or approximate date of the original work should be prefixed to the reference. In the specimen on page 20 "ab. 1290" signifies "about 1290 A.D." Such references can, in some cases, be printed, all but the variable numbers.
3. An earlier edition of a work should be preferred to one more recent, where choice is practicable;—this, however, is merely intended as a general rule, and must be subject to the circumstances of each particular case.
4. In transcribing quotations the original spelling must always be preserved; and when any words are for brevity's sake omitted, the omissions must be signified by dots. Moreover, *each quotation must be extensive enough to carry a complete sense by itself*; mere fragments of sentences enclosing a particular word are unintelligible and useless, and, in fact, are not quotations at all.
5. Where a quotation contains two or more noteworthy words, phrases, &c., it must be *retranscribed for each*. It would be of great convenience if the readers for the Law Dictionary would give in [] any other references that they know to the words which do not appear to them to be of sufficient importance to require retranscription of the quotation. This may save much time to the Editor. It would be well also where the passage transcribed has cases referred to in the margin to state the result of their investigation, if they have examined them. This may again save much time, especially if the results are negative.
6. It is requested that all persons who may feel disposed to undertake any work or works will be kind enough to signify their intention to the Honorary Secretary, and at the same time to mention the name or title of the work or works they may select for investigation, so that two persons may not be engaged in traversing the same ground.
7. Contributors are particularly requested to arrange their work in *alphabetical order* before sending it in to the Honorary Secretary.
8. As regards etymology, nothing should at present be attempted. It can only be considered when the final compilation takes place. But all quotations which illustrate either the true or the popular etymology of a given word will be particularly acceptable.

ENDORMI.*pp.* at rest.. . . et plee pendaunt . . . soit le plee original *endormi*.*

ab. 1290. Britton, ed. Nichols, 1865, Liv. V. ch. 8. § 2; vol. ii. p. 273.

[* N.B.—In difficult passages the English translation may be added here.]

EXPLANATION.—Here ENDORMI is the word; *pp.*, i.e. past participle, shews the part of speech; 'at rest' expresses the sense intended in the above passage (but this may be omitted). The third line gives the quotation, the dots denoting omissions. 'Ab. 1290' gives the approximate date. The rest gives the reference, which may be given as briefly as is consistent with sufficient fulness for identification of the passage.

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COPY OF THE ORIGINAL PROPOSAL

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26th November, 1886.

SIR,

I have the honour to ask your approval of the following Notice, which I propose, with your kind permission, to have placed on the Notice Boards of the Libraries and Common Rooms of the Inns of Court. I shall be glad to receive any alterations that you may suggest, if possible, not later than Tuesday next, the 30th inst.; and I shall esteem it a favour if you will obtain the consent of any members of the Bar to their names being added to the list.

I have the honour to be, Sir,

Your obedient Servant,

P. EDWARD DOVE.

A MEETING of Members of the Bar and of other persons interested will be held on an early day to consider the advisability of establishing a Society to encourage the study and advance the knowledge of the History of English Law. Lord Justice FRY has kindly consented to preside. It is suggested that the name of the Society shall be the SELDEN SOCIETY, and that its objects shall include :

- I. The printing of inedited MSS. and the publication of new editions of works having an important bearing on English legal history ;
- II. The collection of materials for a Dictionary of Anglo-French and of Law Terms ;
- III. The collection of materials for a History of English Law ;
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Any person interested may communicate with P. EDWARD DOVE, 32 Old Buildings, Lincoln's Inn, who will be glad to receive any suggestions as to the objects and scope of the Society and the names of all persons who wish to attend the meeting.

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1. This Society shall be called the SELDEN SOCIETY.
2. The object of the Society shall be to encourage the study and advance the knowledge of the History of English Law.
3. The Society shall have a Council consisting of a President, a Vice-President, an Honorary Secretary and Treasurer, and not more than one hundred Members. The Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the President of the Probate Divorce and Admiralty Division, the Chief Justice of the United States, the Attorney-General, the Solicitor-General, the Treasurers of the four Inns of Court, and the President of the Incorporated Law Society of the United Kingdom shall, when willing, be *ex-officio* members of the Council. Twenty members of the Council, of whom three besides the Secretary shall be a quorum, shall form an Executive Committee with full power to conduct the business of the Society.
4. The ten members of the Council and the four members of the Executive Committee senior on the roll shall retire annually, but shall be eligible for re-election.
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7. The Anniversary Meeting of the Society shall be held on the

16th of December, the birthday of John Selden, or on such other day as the Executive Committee may from time to time appoint.

8. No Member shall receive the Society's publications until his subscription for the year has been paid.

9. An account of the receipts and expenses of the Society, audited by two honorary auditors appointed by the Executive Committee, shall be made up to the 1st November in each year, and published in the next volume issued by the Society.

10. At the Anniversary Meeting the vacancies in the Council and in the Executive Committee shall be filled up.

11. These Rules shall not be altered except upon motion at the Anniversary Meeting. Notice of any such motion shall be given to the Honorary Secretary not less than one month, and by the Honorary Secretary to the Members not less than fourteen days, before the Meeting.

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